App. F. IX-4

Previous References 193( ) **File No.** 34-36

Gle 253-32 (1) **Serial Nos.** 1

Letter References. Manuscripts

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

~~**Part B**~~ **for** February 1937

SUBJECT.

Maternity Benefit Rules.

Regulation III of 1937

Mat. Rules (1) 8/11-2-37 Town Compiler

WD 0418—GPB—22,500—29-8-36

Notifies in above Rules.

M Spencer
14/5/37

G. R. S. APP. F. III—1] 1936

GENERAL AND REVENUE SECRETARIAT

(Legis)

NOTES.

File No. 34-36

FILE HEADING.

Maternity benefit Bill
(Refer III Assy 37)

FROM

No.	Dated	Received

Diary No.	Enclos.	Spare copies	Serial No.

BRIEF ABSTRACT OF LETTER

NOTES AND ORDERS.

NOTES—First Sheet

WD 69—GBPM—5,000—14-7-31

General and Revenue Secretariat

File No. of 193 .

GENERAL AND REVENUE SECRETARIAT.

( )

NOTES.

File No.

File Heading.

From

No. Dated Received

Diary No. Encls. Spare copies Serial No.

Brief Abstract or Letter

NOTES AND ORDERS.

6334/34
P

The Maternity Benefit Bill (L.C.)

2

General and Revenue Secretariat | File No. | of 193 . D 938 | [App. F. III–2

Serial No.

D 938/L.C.

Letter Dated 4th May 1935 from Mr. K. T. Bhashyam Ayyangar and T. Ramchandra, Members, Legislative Dept. Forward a copy of the Maternity Benefit Bill which they intend moving at next session of the L.C. and request that necessary permission for its being placed before R.A may be obtained etc.

2) The Bill may perhaps be examined in the Prot^n. Branch, in the first instance, before it is subd to the Dewan, under Rule 6 A of the rules relating to the business of the L.C, for permission to introduce it in the L.C.

3) Action will thereafter be taken to place it before the R.A. According to the R.A. Work calendar, the last date for the receipt of the Bill for being placed before the R.A is the 17th* instant. The Bill has to be considered either in the Executive Council meeting or disposed off by circulation and then subd to H.H. for sanction. Thereafter the Bill will have to be placed before the R.A. There are hardly nine days within which period this has to be done.

subd.

8/5/35

3) For Exam^n of the Bill
Prot^n Br)
8/5

4) To be returned before 12th
8/5

5) In para 3 of the Statement of objects and reasons it is stated that you have already introduced a system of maternity benefit of

Note–Contn. Sheet.

6332

D 935

File No. of 193

General and Revenue Secretariat

Women mines in four factories. Dir. Br. may be requested to put up references relating to it

ISD 9/5

b) Please see on what Govt of India act, if any, the present bill is based & find out any alterations made. It is after all a private bill & we need only scrutinise it to see that it does not offend any basic principles —

MM 9/5

1) The present bill is based on the Bombay Maternity Benefit act VII of 1929 with slight alterations. 3 fresh sub-clauses have been added to section 8 of the proposed bill. Penalty of Rs 500 imposed in sec 10 of the Bombay act is reduced to Rs 250 in the present bill. There is no corresponding section to sec 11 of the Bombay act. Similar bill has been introduced in Madras recently (vide Bill no. 10 of 1933).

ISD. 10/5

9) I think permission to introduce this bill may be given under rule 6A. After such permission is given action will have to be taken to place the general principles of the bill as submitted by the member before the R.A.

(Chief Secy)

MM 11/5

R.A.

10) Please put up a copy of the Rules of Business re: Private Bills

MM 10/5

11) Sec... a copy the Rule (Page 3. Rule 6.A.)

MM 15

D 938

The Maternity Benefit Bill. (Private Bill).

General and Revenue Secretariat

File No. f 193

[App. F. III-2

Serial No.

SECRETARIAT
16 MAY

7227
15/5

12) I think the Senior Surgn should be consulted first. If advd, his opinion will be obtained—

Dr work
Hon'ble
Sec. to Govt

R 13/5/35
Supt 14/5
13/5 14/5
None 14/5

14) Supt 15/5 Hon 15/5
None 17/5
C 17/5

15) Subd with a draft to the S.S.

20/5/35

4/5/35

No. 3140/P.C. Encls one only. Dated 20th May 1935.

Secy.

20.5.35

16) Further necessary action will, if advd, be taken on receipt of the opinion of the S.S.

Subd

4/5/35

22/5/35

Letter No. Bris B. 498.3 Dated 31st May 1935 from the Senior Surgeon with the Govt.

D 1040.

states that it is highly desirable and necessary to have such regulation introduced into the state to safeguard the interests of the women

NOTE—Contn. Sheet.

The Maternity Benefit Bill: (Private Bill)

File No. D/1040/38 of 193

"General and Revenue Secretariat

in the Factories and suggests that, as in the case of women in Govt. services who are given their full pay during maternity leave, the ordinary daily wages due to the women labourer may be paid during this period.

17) The Senior Surgeon is of opinion that the Maternity Bill is a highly desirable and necessary measure and may be introduced into the State.

18) The granting of permission has to be considered at a meeting of the Executive Council and after submission to H.E. action has to be taken to place the general principles before the Rad. According to the R.D. work calendar, the statement of business has to be dispatched today. There does not seem to be enough time for all formalities to be gone through in the above.

Subd for orders.

7.6.35

19) Please type a copy of the Bombay Act & put it in the file in reference.

6/6/35

20) A typed copy of the Bombay Act, 1929 of 1934 is put up as directed.

Subd

4/6/35

21) The Senior Surgeon approves of the objects of the Bill since it is a measure applicable to factories. The Director of Industries may be consulted if approved.

7-7-0
8/-6

Secd Member)

22) 5/6/35

6/6/35

6/6/35

The Maternity Benefit Bill (Private) 6

General and Revenue Secretariat | File No. D/1040 of 193 | [App. F. III–2

Serial No.

23) Draft & the Dr. I & L posted for appl

24) [illegible] C 7/6

7/6/35

No 4747 Dated 9th June 1935 to the Director of I & L.

Forwards the Bill & the Director for favour of his opinion. & return of the original Bill.

original bill has not been returned.

No. C. 5/Legis 34-35 Dated ~~[illegible]~~ 14/17th June 1935 from the Director of Industries and Commerce.

Forwards a brief note on the Maternity Benefit Bill Acts and also his opinion regarding the private Bill.

25) As the present Bill can only be introduced at the next Session of L.C. during Dec 1935, further action will, if appd, be taken after the ensuing Session is over.

Submd for orders. 26) This may be put up at Bangalore

18/6/35 C 18/6/35

Submd.

22/6/35

27) There was some discussion in the R.A regarding this: "Please put it up

C 22/6/35

28) Necessary extracts put up and submitted.

7-8-35

Flag R

29) In the R.A, the first Member stated that the question of Maternity benefit for labourers had already been taken up

NOTE—Contn. Sheet.

6332/34

5x3

P

File No. of 193

General and Revenue Secretariat

separately.

30) Messrs Bhashyam Iyengar & Ramachandra have applied for permission to introduce a private Bill. B'Bay the Senior Surgeon & Director of Industries approve of legislation on the lines of the Bombay Factories Bill (which is followed by this private Bill) Since they approve of it, it is for consideration if it is not advisable for the Govt to introduce a Bill. If Govt takes up this legislation, we may inform Messrs Bhashyam & Ramachandra accordingly.

7.46
3/8/35

Dev. Sec.) Le 3/8/35

GEN. & REV. SECRETARIAT
3 AUG 1935
DEVELOPMENT

31) The revising the Workmen's Compensation Regulation Act and a bill to secure maternity benefits may both be taken up and placed before the R.A session for orders forthwith

8.75
6/8/35

3.8.35
3/8

32) I don't think we can rush legislation on these important matters. We have to study the effects of the proposed legislation on industries. I think the Bill may not be examined in the first instance by

6/8

32/ Bombay Please see the Member's remarks on the K.G.F. file.

6/8

6/8

6/8.

6332/35 D.NO 523/D No. 46-35-1

(33) This may kindly be returned to the Both Branch
to WB
6/8/35
A.A. (Selections Branch
Section W-C.)

(34) The administrative Branch, namely The Dev. Branch — may be requested to consult the T & C. Board as directed by the First member and return the file to this office with the opinion of the Board for further necessary action.

Dev Br) Ce 8/8

GEN. & REV. SECTION
1935
DEVELOPMENT BRANCH 8.8.35

(35) Draft to the Dte is laid to appe
to KP
12/8/35

(36) For perusal & signature

Dev Br 12.8.35

(37) Please speak to me

MW. 16.8.

(38) Yes, issue

MW. 19.8.

39) Issue 20/8

St-2) Letter No D.1176 dt 22.8.35 To the Dir. Dte
TYPING SECTION
19. AUG. 1935
GEN. & REV. SECT.
Requests to place the Maternity Benefit Bill before the Board of Dte - for their consideration & to favor their opinion with his remarks.

Smt 30/8

"Times of India"
dt 2.12.35.

Maternity Benefit Legislation

BENGAL GOVT. MOVE

FROM A SPECIAL CORRESPONDENT.

CALCUTTA, November 28.

The Government of India as well as the various provincial Governments have been busy considering questions affecting labour and particularly promoting labour legislation in various directions. Recently, the Government of India invited the opinion of Provincial Governments on sickness insurance for industrial workers. The consensus of opinion was that a statutory inquiry on the lines proposed by the Royal Commission would serve no useful purpose.

The Bengal Government have now decided to introduce maternity benefit legislation on the lines of the schemes operating in Bombay and the Central Provinces as suggested by the Royal Commission on Labour in India.

The Central Provinces Maternity Benefit Act provides for benefit at the rate of the woman's average daily earnings, calculated on the total wages earned during a period of three months preceding the day of her confinement or at the rate of eight annas a day, whichever is less. The Royal Commission on Labour recommended that the maximum period for which any woman shall be entitled to the payment of maternity benefit should be four weeks, up to and including the day of her delivery and four weeks following that day.

EMPLOYER BEARS COST

It is provided in the C. P. Maternity Benefit Act that an employer shall not knowingly employ a woman within four weeks after childbirth. In Bombay as well as the C.P., the entire cost of the Maternity Benefit Scheme is borne by the employer.

The Bengal Government considered the question of the introduction of maternity benefit legislation in 1932-33, but action was deferred owing to the depression. They now feel that there has been some improvement in trade during the last year and they have therefore again taken up this question.

The provisional view of the Local Givernment is that legislation should be undertaken with a view to making maternity benefits for women employed in perennial factories in Bengal compulsory. Several factories in Bengal have such benefit already. The cost would be negligible and the benefit to the poorer classes of the working population would be immense.

Clearly, the Bengal Government will introduce legislation in a manner which will throw no burden on the workers and the entire cost will be borne by the employers, as in Bombay and the C. P.

It is likely that the administration of the Act in Bengal will be entrusted to the factory inspection staff, and, wherever possible, to women factory-inspectors, in accordance with the recommendations of the Royal Commission on Labour.

632

4/12

Submitted for kind perusal.

Second Mr) UW 3/12/35

UW 4/12

23/12

Asst Secy, Deptl Branch

(with Compliments)

UW 4/12

4/12

Secy) 4/12 5.12

UW. 6.12.

3683 5/12

Please place this with the file regarding the question of introducing similar legislation here (regd to Bdg &c)

9/12

4/12 6.12

3144 Subject — The Maternity Benefit Bill (Draft) D/1364 4365/35

General and Revenue Secretariat Etc File No. 46 of 1935 D 1040/1935 [App. F. III—2 (8)

Serial No.	
3	From the Secy Bd of Ind & Commerce Letter No C, 260/35-36 d 6/1 Refer sl 2 - Forwards the proceedings of the Sub committee of the Board of Ide for Trade Commerce & Labr on the abve subject with the views of the Sub-committee & those of the Board of Ide, & states that he is in agreement with the views of the Board, & that the bill may be taken up as a Govt measure 39 Subd for perusal with reference to paragraphs 32 and 34. (40) The file will be transferred to the L. C. office, for further action. (para 34) Kpe 11/1/36 May this be now retransmitted to the ~~Protection Branch~~ L.C. Sec for necessary action. (Sen Secy) Ltr. 12.1 K.P. 13.1.36 Sen Secy 15.1. ~~Protection Br~~ L.C. Sec K.P. 15.1.36

45-2 18/1

OFFICE OF THE SECRETARY, 16 JAN. 1936, LEGISLATIVE COUNCIL

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—13-7-35

4368 p 838

The Maternity Benefit Bill

D 1304-

File No. of 193

General and Revenue Secretariat

(41) As directed in paragraph 32 of the notes, the draft bill which had been referred to the Board of I & B was considered by the sub-committee of that body at the meeting held on the 4th December 1935. The Sub-Committee has resolved that the draft Bill with the modifications suggested by it may be passed into law and proceeded with as a Government measure. The Director of I and B that he is in agreement with the views of the Board. Whether Messrs. K. T. Bhashyam Aiyangar and T. Ramachandra should be permitted to pilot the Bill as a private measure or the Govt should introduce the Bill (as suggested by the Bd. of I & B and the Dr. of I & B) as a Govt measure are points for orders. The matter has to be considered by the Executive Council and submitted to His Highness before the Bill could be proceeded either as a Govt or a private measure.

Page 6 of the notes

Subd.

20.1.36

(42) This may be sent to the Political Branch for further action. The Bill may be compared with the Bombay Act & the amendments suggested by the Board & etc may also be indicated & a draft Bill put up with Objects & reasons

Q

20/1/36

Prof. Coll
W.C.

20.1.36

(43) Bombay Act has been suitably modified with the recommendation of the Industries Board incorporated. A statement of objects & reasons is put up

Sd
27/1

(44) Bill as revised may be got typed (Please make four copies)

Sd
30/1/36

Typing Section
31/1

(45) Typed copies put up

Sd
8/2/36.

TYPING
31. JAN 1936
GENL & REV. SECTT.

(46) Draft of Maternity Benefit Bill and statement of objects & reasons is put up for consideration.

Messrs Bhashyam Ayyar & Ramachandra had sent up a private bill which was referred to the Board of Industries & Commerce.

The Board recommend the legislation & suggest that it might be proceeded with as a Government measure.

(1) The draft Bill put up follows the Bombay Act of 1929 as amended by the Act of 1934. In Section 3 definitions

NOTE—Contn. Sheet.

4368

Maternity Benefit Bill

File No. of 193

General and Revenue Secretariat

slight changes have been made so as to conform to the Factories Regulation (1936)

(2) The Board of Ire have recommended that in Sec 5 (1) the rate of maternity benefit be fixed at the average daily wages earned during the three previous months & that 8 as per day is too high The Bombay Act contains a similar provision & it has been adopted

The private Bill had omitted this

(3) The Board also suggest that women should also be prevented from opening their service after confinement This is provided for in Sec 4 (2) of the Bombay Act is adopted

This has also been omitted in the private Bill

(4) The Board suggest that the chief inspector of factories be appointed as the authority for administering this Regulation instead of the Labour Commissioner In the Bombay Act in Sections 1. 2 & 14, the power is granted to the 'Inspector of Factories'. The same term adopted in the draft Bill

Dev Sec)
2nd Member) 3/2/36

OFFICE OF THE SECOND MEMBER OF COUNCIL. 4 FEB 1936 NO 5866

Leg. Council may please clean

7/2/36

4365

11

12

General and Revenue Secretariat. | File No. of 193 . | [App. F. III-2

The Bill may be approved and introduced as a Govt measure

Nelu
7/2/36

Council matter

DEWAN'S OFFICE
8 FEB. 1936
No. Q 969

Chief Secretary)
Agd. If approved, this may be disposed of by Govt Notification
Dewan) 7-2-36

Mr
8-2-36

C.S.
11-2-36

NOTE—Contn. Sheet.

15 L2

For Disposal by Circulation. **No. C.** 192

7 1935-36

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

Subject

MATERNITY BENEFIT BILL.

Circulated to the Members of Council.

By Order,

12th February 1936. ~~Chief~~ *Secretary to Gouernment.*

S623 **First Member of Council.**

DEWAN'S OFFICE
17 FEB. 1936
No. 519

203 **Second Member of Council.**

S. N. Sumitted.

DEWAN)

Final Note by the Second Member of Council. 16

Subject.—

Maternity Benefit Bill.

There is at present no law in Mysore regulating the employment of women in factories during the period of advanced pregnancy and confinement and providing for the payment of maternity benefit to them. The Maternity Benefit Scheme is in force in some parts of British India. The Royal Commission on Labour in India recommended that legislation should be enacted throughout India on the lines of the schemes operating in Bombay and the Central Provinces

In May last Messrs. K.T. Bhashyam Iyengar and T.Ramachandra members of the Legislative Council sought permission to introduce into the Legislative Council a private bill on the lines of the Bombay Maternity Benefit Act VII of 1929 as amended by Act V of 1934. The bill was referred to the Board of Industries and Commerce for opinion. The latter has recommended that the bill as slightly modified by the Trade, Commerce and Labour Sub Committee may be passed into law. The Board further suggests that the bill may be proceeded with as a Government measure. The Senior Surgeon and the Director of Industries and Commerce support the proposal. It is considered desirable that the Maternity Benefit Scheme as in vogue in Bombay Presidency should be introduced into Mysore.

The bill as amended by the Board of Industries and Commerce provides for maternity benefit for a maximum period of eight weeks at the rate of the woman's average daily earnings calculated on th total wages earned during a period of three months preceding the day of her confinement or at the rate of 8 annas a day, whichever is less. Provision is also made for prohibiting the employment of women in factories during the aforesaid period of eight weeks and for preventing them from working in any factory during the period.

Pages 12 & 13 Annexure Note

The Dewan and the First Member of Council have agreed to th

17

proposed legislation. Gracious sanction of His Highness is solicited to place a statement of general principles of the bill before the Representative Assembly and the bill itself as a Government measure before the Legislative Council in due course.

N. Madhava Rao

MEMBER OF COUNCIL.

Bangalore,
17th February 1936.

14

Submitted to His Highness.

I submit herewith a Final Note by the Second

Member of Council re: Maternity Benefit Bill,

.....

.....

for His Highness' gracious approval.

Mirza M. Ismail

Dewan.

17-2-36

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Introduction of the Maternity Benefit Bill into Mysore.

Order.

~~KRM~~
20/2/36

5347/B35 6

20

General and Revenue Secretariat

C. 192

SUBJECT:- Introduction of Maternity Benefit Bill into Mysore.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Head-quarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/~~after~~ issue of orders. (*Vide Rules* 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary ~~to Government~~.

Through the Secretary to Government,

Development Department.

MW. 26.2.36

6096/26.2

FIRST MEMBER OF COUNCIL.

25/2

6522/26/2

SECOND MEMBER OF COUNCIL. 26/2/36.

Dev. Secy with Compliments

26-2-36

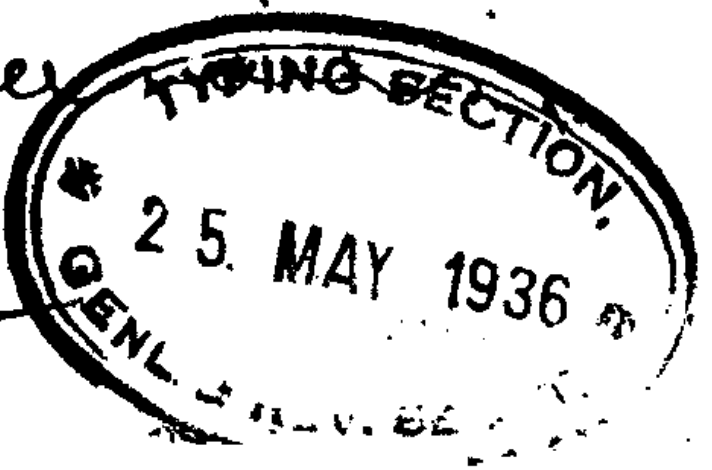
MW. 26.2.36

26.2

27.2

NOTE.—Contn. sheet.

Typing sections
for making 3
copies of the Bills
& Sch. of objects
& reasons



See
P.S.17

Serial No.

Maternity Benefits Bill
L 1304

Subd. with a draft Statement of principles.
After approval, it will be got typed and copies sent to R. A. offices

28/8/36.

Rough type submitted
28/8/36

Draft is typed & submitted.

4/8/36.

Memorandum to R.A. offices
4/9/36

To the R. A Offices W.C.

5/8/36.

3 Copies taken and file returned.

BVN
9.3.36

9.3.36.

The statement of general principles has been circulated with the Agenda for R. A. Session

Subd. for orders if the Bill is to be published under Rule 8 of L. C Rules.

WD 03591—GPB—30,000—13-7-35

Draft for publication.

This will be published under Rule 8 for being placed before The L. C.

OFFICE OF THE SECOND MEMBER OF COUNCIL. 21 MAY 1936 No. 9035

No. —Contn. Sheet.

DEWAN'S OFFICE 23 MAY 1936 No. 7223

Dewan

Three typed copies of this bill & Statement of objects & reasons are put up. May be sent to L. C. office for publication.

26/5 (L.C. Office) 26/5

Three copies taken and file put to Prot. Br. (a.c.)

26/5/36

The general principles have been accepted by R. A. & the bill is already published. The following motions are suggested for disc

(a) motion that the Bill published under Rule 8 of the Rules of business be read in Council

(b) motion that the Bill be referred to a Select Committee

Sent for orders

Dy Sec) 6/6/36

2nd Number) 6/6/36

Kindly prepare the Map bill to which Mr C. W. Narasimhaiya made a reference in the assembly

Recd 11/6

NMV 8.6.36. L.B.O.

5347 23

Maternity Benefit Bill.

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

Suggested remit to Joint Select Committee Examine Bill containing the Maternity Benefit Act, VI of 1935

12/6 (Sd) G 12/6

H.T

There is a point for consideration whether the provisions of the Maternity Act may not be incorporated in clause 8 of your bill. I think this is always a voluntary provision & may be adopted.

8109/13/6.

If this is done, the bill need not go to a select committee and may be passed at this session. I believe the unofficial members will agree to this arrangement

9705/13/6

MW 13.6. G 13/6

I mean it is better to consider the bill in Select Committee If the Council wants this provision to be put in, this may be done in Select Committee Stage

MW 13/6/36

Draft motion suggested on previous sheet as approved

MW 13.6.36.

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

G 16/6/36

718-P/36

OFFICE OF THE SECOND MEMBER OF COUNCIL

General and Revenue Secretariat

Municipality / Benefits Bill
Select Comm.

A. V Ramathan
Dr S. Subba Rao
Abdul Wajid
Venkataramaiya
~~Ramachandra Rao Saheb~~
K. T. Bhashyam
Ramachandra
~~Murugesam Pillai~~
Silva

1/7/36

OFFICE OF THE SECOND MEMBER OF COUNCIL
30 JULY 1936
NO 762

At the meeting held on 9 June the matter of Benefit Bill was referred to the select committee consisting of members mentioned above and for orders as to the date of the meeting

members of the E. C as noted from report of proceedings:-
2nd member
Hon. A. V. Ramathan
Dr. S. Subba Rao
Hon. S. Abdul Wajid
" M. Venkataramaiya
" K. T. Bhashyam Iyengar
" T. R. Ramachandra
" Murugesam Pillai
" F. L. D'Silva

9/7 A date may be fixed for the first meeting (2nd Member)

30/7

See 30/7

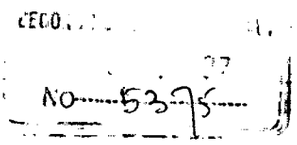
The meeting may be held on 26th September

31/7/36.

Quarterly Bulletin

General & Revenue Secretariat.	File No.	of 193	[App. F. III–2

Serial No.



Secd. with a draft notice of the meeting of S.C

SG 12/9/36

Issued No 1862-4 dt 13/9/36

Secd. for orders if the report of the Select Committee may be sent to the Govt. Press for publication.

SG 26/9/36

20 S.C. copies with typed copies W.C. of the S.C Report

SG 28/9.

Three copies of the Report taken and the file puts to the Prot. Br. A.C)

SG 1/11/36

2nd Member)

The Bill as amended by the S.C was passed by the L.C on 25-1-37.

Secd. with a L.C.

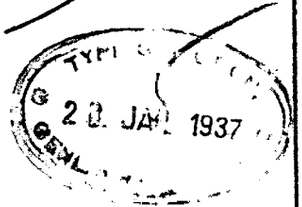
SG 28/1/37 typed copy please

Typed copy secd.

SG 29/1 2nd Member) F.R. Signed by Mitchell

S.P.

CLG 1/2/37



NOTE—Contn. Sheet.

Maternity Benefit Bill.

File No. of 193 General and Revenue Secretariat

S. N. Sarkar.

S/o (Dewan)

DEWAN'S OFFICE
2 FEB. 1937
No. 2999

Final Note by the Second Member of Council.

7

Subject.—

Promulgation into law of the Maternity Benefit Bill.

On the 20th February 1936, His Highness was graciously pleased to accord sanction for the introduction of the Maternity Benefit Bill. The general principles of the Bill were accepted by the Representative Assembly in June 1936. The Bill was introduced in the Legislative Council in the same month. The Select Committee to which the Bill was referred made no material alterations except adding 2 sub clauses to clause 8 of the Bill providing for safeguards against unjust dismissals by employers a few months prior to the confinement of the women labourers. The Bill as amended by the Select Committee was finally passed by the Legislative Council on 25th January 1937.

I solicit the gracious sanction of His Highness to promulgate this Bill into law.

N Madhava Rau
MEMBER OF COUNCIL.

Bangalore,
1st February 1937.

Submitted to His Highness.

I submit herewith a Final Note by the Second *Member of Council* re: Promulgation into law of the Maternity Benefit Bill

for His Highness' gracious approval.

Mirza M. Ismail
Dewan.
3-2-37

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promulgation into law of the Maternity Benefit Bill.

C Secy
MS
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Order.

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General and Revenue
Secretariat.

327

SUBJECT:— Promulgation into law of the Maternity Benefit Bill.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/~~after~~ issue of orders.* (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

..... Department.

2669
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FIRST MEMBER OF COUNCIL.

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SECOND MEMBER OF COUNCIL.

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NOTE.—Contn. sheet.

WD 1170—G.P.B.—1,000—24-12-36

P.S. No. 24/36-37

Maternity Benefit Bill

31

General and Revenue Secretariat — Legislative File No. 34 of 1936. — [App. F. III—2

Serial No.	
	Send with a draft order directing the publication of the Bill See 10/11/37 Order issued 10/11/37 G.O. No. P 4962 of 11/12 directing the publication of the Bill.
	Printing ordered.

NOTE—Contn. Sheet.

WD 0417—GPB—30,000—8-9-36

8. Bill to Regulate the Employment of women in factories sometime before and sometime after Confinement and provide for the payment of Materty benefit to them.

(a) *Motion that the Bill published under Rule* 8 *of the Rules of Business be read in Council.*

THE SECOND MEMBER (Mr. N. Madhava Rao.—Sir, I beg to move that the bill to regulate the employment of women in Factories some time before and some time after confinement and to provide for the payment of Maternity Benefit to them, published under Rule 8 of the Rules of Business be read in Council. Two members of this Council, Messrs. K. T. Bhashyam Aiyangar and T. Ramachandra sent a draft of the bill to the Dewan in April 1935 and sought permission to introduce it in the Legislative Council after its general principles had been considered by the Representative Assembly. The Board of Industries and Commerce to which the bill was referred examined it in detail and recommended that the bill with the modifications suggested by them might be passed into law. At the instance of one of the original movers of the bill who was a member of the Board, the Committee also recommended that legislation on the subject may be introduced as a Government measure. This suggestion was agreed to by the Government.

The provisions of the bill follow those of the Bombay Maternity Benefit Act of 1929 as amended by Act V of 1934. Similar legislation is in force in certain other parts of British India. According to the bill, maternity benefit is proposed to be given to every woman worker for a maximum period of eight weeks, four weeks before confinement and four thereafter at the rate of the woman's average daily earnings calculated on the total wages earned during a period of three months preceding or at the rate of eight annas a day, whichever is less.

The general principles of the bill were placed before the recent session of the Representative Assembly and passed by a large majority. I hope, sir, that this bill which is intended for the betterment of the lot of women labourers will commend itself to this House.

THE SECRETARY TO GOVERNMENT DEVELOPMENT DEPARTMENT (Mr. M. Venkatanaranappa).—Sir, I beg to second the motion.

Mr. M. RAMACHANDRA RAO SINDIA.—Sir, this bill ought to have been brought in much earlier than today. I may say, as an employer of labour I myself, that am in full sympathy with the bill. I may also say that a woman labourer, in many cases, works even on the day of confinement, just becuase she cannot get wages if she absents herself from work.

I suggest that in the proviso to clause 6, the period within which a woman has to produce a certified extract from the birth register may be reduced from 6 months to 3 months, as 6 months is too long.

In Section 8, I suggest that it may be stated that notice of dismissal given by the employer will be lawful if the woman takes up employment under any other employer. But if the dismissal is effected without satisfactory reasons and without sufficient notice, the labourer must be given some suitable protection or compensation.

I also propose that this law should be made applicable to plantation labour.

In the next place, it is not clear whether an employer of casual labour also should give the benefit of maternity leave to his casual employees. If so I should suggest that employers should not be permitted to employ women in advanced stages of pregnancy.

In conclusion, I thank my Hon. Friends, Messrs. K. T. Bhashyam Aiyangar and T. Ramachandra Brahmachari who are in fact responsible for this beneficial measure, and I am glad to see that the bill has reached its present stage.

Rajacharitavisarada Rao Sahib C. HAYAVADANA RAO.—Sir, May I, as one who is connected with the largest voluntary association that is working in the State largely, if not solely, on behalf of women and children support this measure ? I may say without fear of contradiction that the bill has been introduced is not a day too soon. With the active industrial policy that is being pursued just now in the State, it is necessary that the responsibilities of industrialism should be acknowledged in plain and honest terms. There are already signs that such a policy is being pursued by joint-stock companies which ran very big factories which have brought a large women clientele on their establishments. We have only to mention the fact to the owners or managers of large factories and ask them to suggest improvements that may be necessary and they are sure willingly doi ntroduce them. In regard to these establishments, there are already welfare committees working. Consequently, any small facilities of the kind that are proposed to be given under the bil cannot add much to the responsibility already attaching to them. They would think twice before they reject a measure like this. After all, this measure seeks to provide small concession to a very important Section of the labour on which many large industrial establishments depend for their success, *viz.*, women labour. I think they will be the first to acknowledge that any small concession given to them would not only make for their employees good, but also prove to be their own employee's benefit. It would be honourable to them and useful in the sense that added labour would come to them because they would be giving a better status to their women labour. Also they will be getting many more people t serve in their own factories. From that point of view also, I do say that factory owners would not log behind in supporting this piece of legislation because the measure as it is proposed now is not really a new one. It is already in force in many factories. As stated in

the statement of objects and reasons, advanced industrial cities like Bombay are already following what is proposed by this law. The proposed law is thus in working order in other places. There is nothing extreme in it and I hope that when it passes through the Select Committee one or two small changes that might be required, will be made in it. I do not think there will be really any difficulty in getting these amendments adopted. I commend this legislation to the attention of this House very strongly and I hope it will prove acceptable.

Mr. K. T. BHASHYAM AIYANGAR.—In thanking the Government for introducing this measure, I wish to suggest one additional clause which may be considered in the Select Committee. In the proviso to Clause 5 (*a*) it is stated as follows :—

> " Provided that a woman shall not be entitled to maternity benefit unless she has been employed in the factory of the employer from whom she claims maternity benefit for period of not less than nine months immediately preceding the date on which she gives notice under sub-section (1) of section 6."

If she has been given notice of dismissal within a very short time before she gives the notice, it would operate as a great hardship and she would be denied the right to get this benefit. It is not likely that any employer would be so hard. But it is quite possible that circumstances may be such that he might consider that she is guilty of some lapses and give her notice. It may be unreasonable. In these circumstances, as is provided in the Madras Bill, I would request the Government to add in a clause as follows :—

> " Provided that no notice of dismissal within three months from the date of such notice by the lady would operate to deprive her of the right to get this maintenance...."

This is found in the Madras Bill and I would commend the inclusion of this clause in the bill before the House.

Section 11 gave me some apprehension. It says :—

> " If any woman works in any factory within four weeks of the date of her delivery, she shall be liable, on conviction, to a fine not exceeding ten rupees."

The object of this Regulation was to provide relief for a woman who is disabled from working anywhere and who must be given some kind of monetary help. It is possbile that in some stray case a woman may be caught working somewhere else or an allegation that she is working somewhere else may be held to be true and she may be brought into trouble. We want to give some help. If you feel satisfied that it does not operate as a hardship, retain it. I am not certain. My mind still cannot come to any fixed conclusion on this point. Much can be said on either side. I leave it to you. It may operate as a hardship. It may not be necessary for you to retain such a clause. I therefore commend that section for your careful consideration in the Select Committee.

Mr. F. L. SILVA.—I shall not be so rash as to suggest anything derogatory to a good measure like this before the

House. I shall however place before the hon'ble members just a miniature picture of what the effects of this amendment will be. In my factory as at present working, there are a number of women working. Among these 12 have had children within the last 12 months and there are a few expectant mothers. Hon'ble members are aware that among our labour population the birth of a baby is more or less an annual event. (Laughter).

Mr. K. T. BHASHYAM AIYANGAR.—May it long be so.

Mr. F. L. SILVA.—It may be that we have to pay maternity bonus to 18 out of 33, *i.e.*, a little more than 50 per cent. I think that would make a heavy bill. There was a time not long ago when we were employing three times this number. There are many factories employing a larger number. I leave it to the hon'ble members to see what it means. In business, there is no philanthropy, however selfish it might sound. Whether my friends the advocates of labour realise it or not, I am sure the ladies of their families will appreciate the situation when I say that the results of this bill will be an additional charge of four annas per yard of silk that they might purchase from the Government Weaving Factory at Mysore.....

Mr. K. T. BHASHYAM AIYANGAR.—Then discard silk and take to cotton.

Mr. F. L. SILVA.—But what about Mysore Soap, Mysore Sugar, Mysore Cement and Mysore Porcelain articles we are now purchasing ? The grant of maternity business is not unknown in my factory at present although we cannot afford to give it on the generous scale contemplated in the bill. It takes as six months to train women to the required standard of efficiency. When we give bonus is such cases, it is I think prudence to see that the time during which we pay full wages is not entirely wasted. We therefore ask for some assurance that women will come back to work after confinement. This is not an unreasonable request. It is I think fair to the labourer and just to the employer. I suggest that some provision to this effect may be embodied in this bill.

One word more while on this topic. I am out and out in favour of birth control. If the advocates of labour were to bring forward a measure in this House making it compulsory that employers of labour should maintain a birth control clinic at their own expense, I think I shall vote for that measure.

Mr. T. RAMACHANDRA.—I only want to thank the Government for having brought this as a Government measure. Mr. Silva has said that a large number of women come in for maternity benefit. According to the report of the Inspector of Factories, Bombay, 10 to 15 per cent of women employees ask for benefits. That is also the experience of the Buckingham Mills, Madras and the Rinny Mills, Bangalore, who are giving maternity benefits for their women employees. Out of 500 employees, they have paid for 73 in 1934. That shows that the

percentzage does not go as high as in Mr. Silva's factory.

With regard to the details of the measure, it is coming up before the Select Committee. There is one clause which has been added in Madras (Clause 8 which gives some protection in the case of dismissals without sufficient notice. I hope this will be gone into in the Select Committee.

One more important thing is this. We have not got in this Regulation any provision made for employees in plantations. I hope the suggestion of Mr. Ramachandra Rao Sindia will be taken up in the Select Committee and provision will be made to give them similar benefits.

Mr. Murugesam Pillay suggests that the large number of women sweepers and scavengers employed by the municipalities should also be entitled to maternity benefits. I know that the Bangalore City Municipality have very generously resolved to give maternity benefits to their women employees. There are a number of other municipalities which employ women scavengers and sweepers and which have not yet taken any steps to give them this benefit. They should also be made to provide these facilities to their women servants.

I thank the Government for having brought forward this measure.

Mr. A. L. HILL.—Sir, from the title of this bill I gather that it was not Government's intention to include plantation labour, but as some members have asked that plantation labour should be included I wish to say a word or two on the subject, While I personally do ng believe that the bill is necessary for estate labour, and although any further burden cast on the Coffee industry at the present time may be said to be hastening its death, I should not oppose the bill assuming, that is, that similar legislation is in force in the case of estate labour elsewhere, in the Madras Presidency for instance.

There is one point about the bill, and that is that maternity benefits may extend to eight weeks, The Madras Act does not provide for more than seven weeks, and I understand that their experience goes to show that five weeks is enough and that an attempt to amend their Act may be made. If I were to tell my women labourers that in the opinion of Government they might take eight weeks to prepare for, achieve, and recover from a confinement, I imagine that that they would be highly indignant and then very amused. The period is too long altogether. I think the time should not exceed the Madras one of seven weeks and should preferably be five. Perhaps we may make an exception in the case of estates in the present state of Coffee and as the conditions are healthier than those in which some factory labour may live make the maximum period anyhow in the case of estates five weeks.

Mr. M. RAMACHANDRA RAO SINDIA.—Wage for women labouers in the plantations are so low that it is dfficult for them to live on them before and after confinement period.

Mr. N. MADHAVA RAU.—Sir, the generally seems to be agreed about the principles of the bill, in so far as they go. I do not however think that it is advisable that its scope should be extended beyond what is now contemplated. It applies to women working in factories. The burden that it imposes upon the employer is undeniable Mr. Silva was referring to the inconvenience he was feeling with a number of female workers being on maternity leave at the same time. It is the difficulty we have felt in our hospitals and in several other establishments, but these things must be taken as a matter of course.

With regard to the suggestion that a provision should be included on the lines of the Madras Section 8 (2) (*a*) about dismissal, I think this is a matter which can well be gone into in the Select Committee.

Mr. Bhashyam Aiyangar indicated a doubt as to the wisdom of penalising a woman who works during the delicate period. The fine that is proposed is very light and it must be remembered that no prosecution under this Regulation can be lunched except with the previous sanction of the Inspector of Factories. Offences are also triable by a Magistrate of not lower in rank than the First Class and I am sure that until these provisions get to be very well known, no cases of that sort would be taken to court of if taken to court, they would be dealt with with the leniency that is due in such cases. These are matters of detail. Several suggestions have been made. All of them including those of Mr. Silva about making the benefit conditional on the return of the employees all these may be considered in the Select Committee.

Mr. PRESIDENT.—The question is :

" That the Bill to regulate the employment of Women in Factories sometime before and sometime after confinement and to provide for the payment of Maternity Benefit to them, published under rule 8 of the Rules of Business be read in Council."

The motion was adopted.

(*b*) *Motion that the Bill be referred to a Select Committee.*

Mr. N. MADHAVA RAU.—Sir, I beg to more that the Bfll be referred to a Select Committee consisting of the following members :—

Mr. A. V. Ramanathan ;
Sastravaidya pravina Dr. S. Subba Rao ;
Mr. S. Abdul Wajid ;
Mr. M. Venkatanaranappa ;
Mr. K. T. Bhashyam Aiyangar ;
Mr. T. Ramachandra ;
Mr. F. L. Silva ;
Mr. P. Murugesam Pillay and Myself.

Mr. M. VENKATANARANAPPA.—Sir, I beg to second the motion.

Mr. PRESIDENT.—The question is.—

" That the Bill be referred to a Select Committee consisting of the membere mentioned above."

The motion was adopted.

OFFICE OF THE SECRETARY

reason, oppose the amendment. For, he said, agriculturists were raising loans far beyond their repaying capacity and it was time, in his opinion, that they were prevented from doing so. Secondly, under the existing Regulation there was scope for the judgment-debtor to get the decree set aside by raising the question of status even subsequent to the decree but that privilege would be denied to him under the Bill. Members of the Assembly ought not to support such measures and should therefore oppose the amendment. Thirdly, the time was not propitious for stiffening any law affecting agriculturists. For all these reasons, he requested the Government to withdraw the Bill.

Mr. Tudki RAMANNA GOWDA opposed the amendment on the ground that even at present agriculturists had lots of difficulty in raising loans and that if fresh restrictions were imposed, their difficulties would be further aggravated.

Mr. L. VEMA REDDY did not agree that subordinate judicial officers could not, in their discretion, take away rights given by a substantive law. Besides, there was no question, in connection with the amendment before the House, of any right being taken away, as it merely sought to specify the particular stage at which a certain claim should be preferred. He did not see any difficulty in the way of the debtor raising the question of status at the time of filing his written statement or objection petition. For this reason, he supported the amendment. But so far as *ex parte* decrees went, he thought it would be reasonable to allow a judgment-debtor to raise the question of status at the time of execution of the preliminary decree.

Mr. S. P. RAJAGOPALACHARI, replying on behalf of the Government, observed that he had only to repeat what had been said already by him. There appeared to be an apprehension among the members opposing that the amendment would create difficulties for the raiyats and frustrate the very object of the Regulation, namely, affording relief to the agriculturists. But there was no reason for such an apprehension. In fact, other members who had supported the measure had themselves explained how it would not affect the raiyats adversely. Positively, there were three reasons why the measure should be accepted. First, according to Section 21 of the Civil Procedure Code, the question of jurisdiction would have to be settled in the beginning itself by all civil courts. On the same analogy, the question of status also could well be raised at the earliest possible opportunity as a preliminary issue. It was only after this that necessary evidence would have to be let in and the case proceeded with on merits. This was the idea of the Government even when they drafted the Regulation. They never thought that the wording of Section 2: (*c*) gave scope for the interpretation that the question of status could be raised at any stage of the suit. But because in actual practice the question was being raised at all stages, it was considered necessary to prevent it in future and avoid delays. This was why the High Court had recommended to the Government that the amendment proposed was necessary.

Secondly, the Civil Procedure Code was common to all civil disputes, including cases falling under the Agriculturists' Relief Regulation. Under that Regulation, the written statement to be filed by a defendant should be filed at the earliest possible stage and contain the defendant's case in full. If that were so, he did not know how the particular issue regarding status could be raised at a later stage. He hoped that nobody would urge that cases falling under the Agriculturists' Relief Regulation should alone be made an exception to the Civil Procedure Code. No doubt written statements once filed were not to be considered as unalterable documents. They could be amended subsequently. But this, again, would be permitted only with reference to circumstances arising subsequent to the filing of the written statements. Status could not be characterised as a circumstance arising subsequent to the filing of a written

statement, and therefore the question of status was one which must be decided at the first hearing itself. In exceptional circumstances the court might allow the question of status to be raised subsequently; but it should not be permitted as a matter of course to be raised at any stage of a suit.

Thirdly, as regards the objection advanced by Mr. Belur Srinivasiengar to the measure that the term "at the earliest possible opportunity" had not been defined in the Regulation and so the exact stage at which the question of status could be raised was not clear, his only reply was that the meaning of the term was so well known and understood that it had been employed in most Regulations without being specially defined anywhere, such as for instance, in Section 21 of the Civil Procedure Code, Order II, Rule 7, etc. The Civil Procedure Code was in existence for several decades past and nobody had felt the need for a clear definition of the term "at the earliest possible opportunity." Whatever meaning had been attached to that term by all lawyers, courts and the public, might well be attached to it in future also.

Mr. Puttaswamy had raised a point that the amendment proposed would create new difficulties if *ex parte* decrees were executed without giving opportunity for the judgment-debtors to raise the question of status. There did not seem to be any grounds for even this apprehension. Even under the existing provisions, the question of status could not be raised or re-opened after the final decree was passed.

Mr. B. S. PUTTASWAMY, in further explaining his point, observed that if an *ex parte* decree was passed and execution proceedings instituted, the defendant could, according to the existing provisions of the Regulation, raise the question of status and get the decree set aside. That privilege was sought to be taken away by the proposed amendment even in the case of execution of *ex parte* decrees. He wanted that only in such cases, as exceptions, opportunity should be afforded for the judgment-debtors to raise the question of status at the stage of execution of the preliminary decrees.

Mr. S. P. RAJAGOPALACHARI pointed out that it was not always that *ex parte* decrees were passed and executed. And even where such decrees were passed, the defendant would naturally file an application that summonses had not been served on him, etc., and get the decree set aside on that score alone. So there was no need to make an exception with regard to the stage at which the question of status could be raised. However, the main difficulty at present was that the section was so broadly worded that there was considerable delay in the disposal of cases and so it was necessary to amend the Regulation. Quick disposal would mean less expense to the litigant public who would suffer much by cases being dragged on. For all these reasons he hoped that the House would accept the measure.

The general principles of the Bill were thereupon put to vote and carried, 86 voting for and 61 against.

II. General Principles of the Maternity Benefit Bill.

The SECRETARY to GOVERNMENT, DEVELOPMENT DEPARTMENT (Mr. M. Venkatanaranappa) explained the general principles of the Bill as follows :—

There is at present no law in Mysore regulating the employment of women in factories during the period of advanced pregnancy and confinement and providing for the payment of maternity benefit to them. The Royal Commission on Labour in India recommended that legislation should be enacted throughout India on the lines of the schemes operating in Bombay and the Central Provinces.

Government consider that it is a very desirable piece of legislation and propose to introduce a measure on the lines of the Bombay Act, VII of 1929.

The Bill will provide for the payment of maternity benefit for a maximum period of eight weeks at the rate of the woman's average daily earnings calculated on the total wages earned during

a period of three months preceding or at the rate of eight annas a day, whichever is less.

The woman claiming the benefit should have been employed in the factory for a period of not less than nine months preceding. Women claiming the benefit will also be prohibited from being employed or from working in any factory during the period.

Mr. V. V. IYER expressed gratitude to the Government for having introduced the Bill and requested that it be made applicable to women workers attached to municipalities also.

Mr. K. T. BHASHYAM AIYANGAR requested that its application be extended to women workers in all Government departments and local fund establishments.

Messrs. W. H. HANUMANTHAPPA, CHELUVIAH, L. VEMA REDDY, C. R. NIRVANAPPA SETTY and **Rao Saheb M. RAMASWAMY** supported the measure.

Mr. C. N. NARASINGA RAO, supporting the measure, suggested the following :—

(1) The provision for payment of maternity benefit must be modified so as to give them a minimum wage of 8 annas per day as provided for in the Madras Act, the words "whichever is less" being omitted and the rest of the sentence being suitably altered.

(2) In the Madras Act, there was provision to the effect that no notice of dismissal given without sufficient cause within three months before confinement would have the effect of depriving her of maternity benefit. It was a healthy provision, the object being to prevent employers creating an excuse for dismissing a worker after coming to know that the benefit of maternity would have to be given to her. A similar provision, he said, might be inserted in the Bill under consideration. Otherwise, he feared, the very object of the Bill might be frustrated.

Dharmapravartha M. L. NAGAPPA SETTY hoped that the measure would not be made applicable to women labourers employed on daily wages in coffee and other estates. Subject to this modification he said he had no objection to the measure.

Mr. JATHARE NAIK also supported the measure.

The general principles of the Bill were then put to vote and passed.

III. General Principles of the Bill further to amend the Mysore Registration Regulation, 1903.

The GENERAL SECRETARY to GOVERNMENT (Mr. M. Venkatesa Iyengar) explained the general principles of the Bill as follows :—

As there is no provision, at present, in the Registration Regulation for satisfactory disciplinary control by officers of the Registration Department over *Ex officio* Sub-Registrars who are primarily officers of the Revenue Department, it is proposed to amend Section 12 of the Registration Regulation by adding provisions therefor.

2. A provision will be inserted in Section 12 giving power to the Registrar to suspend or fine any Sub-Registrar subordinate to him subject to such restrictions as Government may impose and providing for appeal to the Inspector-General of Registration.

Another clause will be added to the said section providing for the revisional powers of Government in respect of proceedings of the Inspector-General of Registration or of any Registrar under the section.

The general principles of the Bill were put to vote and passed without discussion.

PRIVATE BILL.

IV. General Principles of a Bill to remove all Legal Obstacles to the Marriage of Hindu Widows.

Mr. K. T. BHASHYAM AIYANGAR explained the general principles of the Bill as follows :—

Mysore has not as yet a Regulation corresponding to Act XV of 1856, which legalises the re-marriage of Hindu widows and we are, therefore, certainly behind British India in this

respect. The British Act of 1856 was the outcome of the efforts of the late Pandit Iswar Chandar Vidyasagar making it applicable to all Hindu widows who may be so minded as to re-marry in spite of the traditional interpretation of the Hindu Law or custom to the contrary.

The Bill is purely a permissive measure and aims at removing legal obstacles to the re-marriages of such Hindu widows as wish to re-marry and at legitimising the children born of such wedlock. It endeavours to meet the growing consciousness of the educated Hindus who believe that the re-marriage of Hindu widows is not opposed to the true interpretation of the precepts of Hindu religion but is also in consonance with the principles of justice and equity. It does not affect the right of a Hindu widow who is allowed to re-marry by the custom of her community.

The rules of Consanguinity and Affinity under the Hindu Law are made applicable to the case of re-marriage and the widow's *gothram* is fixed as that of her father for purposes of her re-marriage. The customary marriage ceremonies generally observed in the case of the first marriage are made applicable to the re-marriages. In the case of a minor widow, the consent of her guardian in marriage is made obligatory except where her first marriage had been consummated.

The right of a widow in the estate of her deceased husband ceases on her marriage and she is divested of all rights inherited from him which then pass on to the next heir of her deceased husband. In the absence of such heir, the re-married widow continues to enjoy them as her absolute estate. The rights acquired by her under gift, deed, or will, from her deceased husband are deemed as her absolute estate unless there is a prohibition to re-marry in the deed or the gift or the will.

A re-married widow continues to be the guardian of her children by the first husband until a civil court appoints another person in her place as guardian at the instance of some interested person.

Mr. M. A. GOPALASWAMI IYENGAR was of the opinion that the qualifying clause in para 4 of the general principles, namely, that the rights acquired by her under gift, deed, or will from her deceased husband would be deemed her absolute estate unless there was a prohibition to re-marry in the deed or the gift or the will, would strike at the very root of Hindu Law, *viz.*, forfeiture of rights on account of re-marriage. Secondly, it had been stated that a re-married widow would continue to be the guardian of her children by the first husband until a civil court appointed another person in her place as guardian. He questioned why it should be obligatory on her part to be the guardian. Even this would be opposed to the Hindu Law. He hoped that these points would be considered carefully. If these objections were removed, he said he would support the measure.

The general principles of the Bill were put to vote and passed.

V. General Principles of the Bill to amend the Mysore Religious and Charitable Institutions Regulation, 1927.

The GENERAL SECRETARY to GOVERNMENT (Mr. M. Venkatesa Iyengar) explained the general principles of the Bill as follows :—

Under Section 25 of the Regulation, the Government may take over possession and management of the properties of any *Mathadhipathi* or other institution of similar nature in certain specified cases, *viz.*, voluntary agreement, minority of *Mathadhipathi* and when there is no *Mathadhipathi* actually appointed, etc. The latter part of the section lays down that such possession shall cease on the termination of the agreement or when the minority terminates, or when a successor is duly appointed. It follows from this, that in cases of minority and vacancy, the management has to be handed over immediately to the successor or to the minor who has become major. There is no provision in the Regulation enabling Government to impose any conditions which may be considered necessary

Appendix F G—1]

SUBJECT .....

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Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 193

Date of issue .....

Signed by (M. V. V. Acharya)

To

A requisition has been sent to the Library to get a copy of the Bombay Banking Enquiry Act of 1929 Act 6 of the Bombay Government also just to anticipate

List of enclosures .....

Copied by ... K ...

14/10

Examined by ... (also to write to DI I & C)

Section

File No.

Serial No.

No. D II/ I C of 29/10

To

1) The Director of Industries & Commerce Govt of Bombay Poona

2) The Dir of I & C in Central Provinces Nagpur

Sir

I am directed to request you to be so kind as to send for reference a copy of the Bombay Banking Deceipt Act of 1929

Thanking you in anticipation

I have etc

NVP 19/10/29

for Secy to Govt

WD 01956—GPB—22,500—12-6-34

NVP 19/10

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Camp Mysore,
Dated, Bangalore, 19th October 1934.

No.

Camp No D 11/9 ec

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*
Development Department.

To

The Director of Industries and Commerce,
Government of Bombay, Bombay.

Sir,

I am directed to request you to be so good as to kindly send for reference a copy of the Bombay Maternity Benefit Act of 1929.

Thanking you in anticipation.

I have the honour to be,
Sir,
Your most obedient servant,

20/10
for Secretary to Government,
Development Department.

K.M.R.2/19.X.

No. 3033 of 1934. 2145 15

Factory Inspection Office,
Secretariat,
Bombay, 29th October 1934.

From

T. W. Johnstone, Esquire, M.B.E.,
Chief Inspector of Factories,
Bombay Presidency, Bombay.

9 & c
1. NOV.

DEVELOPMENT BRANCH

To

The Secretary to the Government
of His Highness the Maharaja of Mysore,
Development Department.

Sir,

With reference to your letter No.11 D/I & c dated 19th instant addressed to the Director of Industries, Bombay, I have the honour to inform you that the copy of the Bombay Maternity Benefit Act Rules as subsequently amended can be had from the Superintendent, Government Printing & Stationery, Charni Road Gardens, Bombay.

Write & get a copy

I have the honour to be,
Sir,
Your most obedient servant,

T. W. Johnstone

Chief Inspector of Factories,
Bombay Presidency.

Drafts submitted
20/11/34
20/11

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193*

Date of issue .....

Signed by .....

List of enclosures .....

Copied by .. ..

Examined by .. ..

Section

File No.

Serial No.

No. D 3487 - 1 51

To

The Director of Co
Central Provinces
Nagpur

Sir,

I am directed to request you to be so good as to kindly send for reference a copy of ~~each of~~ the Maternity Benefit Act (Latest if any) and of the rules issued under the act.

Thanking you in Anticipation
I have the

for Secy

GEN. SECT. A
30 JUL 1934
SECRETARIAT

WD 01956—GPB—22,500—12-6-34

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. F 185 Bangalore, Dated 22nd Novr. 1934.

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Development Department.

To The Director of Industries and Commerce,
Central Provinces, Nagpur.

Sir,

I am directed to request you to be so good as to kindly send for reference a copy of the Central Provinces Maternity Benefit Act (latest) and of the rules if any issued under the act.

Thanking you in anticipation.

I have the honour to be,
Sir,
Your most obedient servant,

Secretary to Government,
Development Department.

bnl. 2

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193*

Date of issue 25/11/82

Signed by [illegible]

List of enclosures .....

Copied by .....

Examined by .....

Section D+C

File No.

Serial No.

No. 12 8762 dt 25/11

To

The Supdt

Govt Printing

Schoolmans

Charny Road Gardens

Bombay,

Sir,

I am directed to request

Yrs to be so kind as to

send for reference 4 copies of

the Bombay Municipal Act of 1929 & Rules (latest)

Thanking you in anticipation

I have the

Yrs obdt

for Secretary

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat.

No. D 7482 / 1A

Bangalore, Dated 22nd November 1934.

From

The *Secretary to the Government of His Highness the Maharaja of Mysore,*
Development Department.

To

The Superintendent,
Government Printing & Stationery,
Charny Road Gardens, Bombay.

Sir,

I am directed to request you to be so good as to send for reference a copy of each of the Bombay Maternity Act of 1929 and Rules (latest).

Thanking you in enticipation.

I have the honour to be,
Sir,
Your most obadient servant,

For Secretary to Government,
Development Department.

bnl. 2

70

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. C 1747 /G.E.S. 34-67 *Dated, Bangalore,* 17. XII. 36

To The Superintendent
Govt Printing
C.P Nagpur

Sir.

I have the honor to request you to be so good as to supply, at a very early date, by Value Payable Post, ~~copy~~ 3 copies of the ~~under-mentioned books, as noted against each~~ C.P. Maternity Benefit Act 1930 (Act VI of 1930) together with the rules issued thereunder. to the address of the Chief Secretary to Government of Mysore, Bangalore.

The receipt of this letter by you may be kindly acknowledged.

Yours truly,

6/17/12

~~*For Chief Secretary to Government.*~~

Jr Cl Regs. S.R.S.
13/12

17/12/36

D1376

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE,

General and Revenue Seceretariat. 21

No. 01747/GE.S.34-69 *Bangalore, Dated* 17th December 1934.

From

The Registrar, General and Revenue Secretariat,
Bangalore.

To

The Superintendent,
Government Printing,
Central Provinces, Nagpur.

Sir,

I have the honor to request you to be so good as to supply, at a very early date, by Value Payable Post, 3 copies of the Central Provinces Maternity Benefit Act, 1930 (Act VI of 1930) together with the rules issued thereunder to the address of the Chief Secretary to Government of Mysore, Bangalore.

The receipt of this letter by you may be kindly acknowledged.

Yours truly,

Fair drafts.

Registrar.

TRM.2

C. P GOVT. PRESS BOOK DEPÔT:

No. OB 1449/4368.A.O DEC 1934

Nagpur, the 22nd Dec 34 *1934.*

DEAR SIR,

I have the honour to advise despatch to your address to-day at the instance of Regr: G. & Rev: Settl: Bangalore,

by V. P. P. ~~of 3 Copies of each of the Maternity~~ ~~Benefits Act 4 of 1929 with Rules~~ 1783/A.D.

~~asked for in your~~ ~~, dated~~ ~~193~~

Yours faithfully,

Supdt. Govt. Printing, C. P

Copy of post card No. 1149/4368-B.D. dated the 22nd Decr. 1934 from the Superintendent, Government Printing, C.P., to the Chief Secretary to Govt. of Mysore, Bangalore.

At the instance of the Registrar, General and Revenue Secretariat, Bangalore, I have the honour to advise despatch to your address to-day by V.P.P. of 3 copies of each of the C.P. Maternity Benefit Act VI of 1930 with Rules .

1786

No. 2/22/4368B.D., Dated Nagpur the 22nd Decr. 1934

Copy forwarded to the Registrar, General and Revenue Secretariat, Bangalore for information with reference to his letter No. 01747/O.E.S. 34-67, dated the 17th instant.

Superintendent,
Government Printing, C.P.

21/12

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. D 5366

Bangalore, Dated 6th March *1935.*

From

The *Secretary to the Government of His Highness the Maharaja of Mysore,*
Development Department.

To

The Superintendent,
Government Printing and Stationery,
Charny Road Gardens, B o m b a y.

Sir,

I am directed to invite kind reference to the letter No.D.3482/I.&.C. dated 26th November 1934, asking for the supply of a copy each of the Bombay Maternity Act of 1929 and the Rules (latest) thereunder, and to request to be informed when the supply may be expected.

I have the honour to be,

Sir,

Your most obedient servant

Secretary to Governmen.,
Development Department.

K.M.R.2/6.3.35.

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193*

Date of issue 7/3/35

Signed by .....

List of enclosures .....

Supply may

Copied by 6/3/35

Examined by.....

Section

File No.

Serial No.

No. 3715

To

The Supt.

Govt Printing Stationery

Charni Road Gardens, Bombay

Sir

I am directed to invite your kind attn to letter No. D 8482/1 &c. dated 28th Nov. 1934, asking for the supply of a copy each of the Bombay Municipal Act of 1925 and the Rules (Latest) thereunder, and to request to be informed when they may be expected, to be supplied to the Govt.

Yours &c.

K.O. 6/3/35

for Dy Sec Rev

WD 01956—GPB—22,500—12-6-34

28/2

No. B. D. 75
4862

OFFICE OF THE SUPERINTENDENT,
GOVERNMENT PRINTING AND STATIONERY.

Bombay, 29.3.1935

Reply of the Superintendent, Government Printing and Stationery, Bombay,

to No. B/5966, dated 7-3-1935, from the Secretary to Govt of Mysore, Development Department Bangalore

Has the honour to return the above and invite attention to Item No. 2 below.

for Superintendent,
Government Printing and Stationery, Bombay.

No. 1.—The publication asked for ~~out of stock.~~ not available in this Office.

" 2.—The publication asked for is being revised. It cannot be said when it will be ready for issue. Rules under the above Benefit Act will be supplied to you, if so desired

" 3.—The of Rs. has been received in this Office for the publications supplied.

4.—His No. , dated , does not appear to have been received, a copy may be furnished.

5.—Not ~~issued from this Office~~ published as yet ; please refer to

6.—The particular language of the publication required may be intimated

Appendix F. G.–1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat.

( )

the 193

Date of issue 7/4/35

Signed by Jn N. Madhava Rao

List of enclosures.....

Copied by JN 7/4.

Examined by.....

Section.

File No.

Serial No.

No. D. 7058

To

The Supdt

Govt Printing & Stationery

Bombay

Sir,

I am directed to acknowledge with thanks the receipt of your letter No B 8 dy 29-3-35 2 copies of the report and the rules under the Bombay Motor Vehicles Act may be kindly sent at an early date

Two copies of the Act which is said to be

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 22nd April 1935.

No. D. 7058

From

The *Secretary to the Government of His Highness the Maharaja of Mysore, Development Department.*

To

The Superintendent,
Government Printing & Stationery
Bombay.

Sir,

I am directed to acknowledge with thanks the receipt of your letter No.B.D. dated 29-3-1935 and to request that 2 copies of the rules under the Bombay Maternity Act may be kindly sent at an early date.

Two copies of the Act which is said to be under revision may also be kindly sent as soon as the revised copies are available.

I have the honour to be,
Sir,
Your most obedient servant,

Secretary to Government,
Development Department.

TSS.

Appendix F. G.–1]

30

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat.

( )

the 193

Date of issue 1/8/35

Signed by H. N. Mehta

List of enclosures.....

Copied by WM/8

Examined by.....

Section. I & E

File No.

Serial No.

No. D 694

To

The Superintendent
Govt Printing & Stationery
Bombay

Sir

I am directed to invite reference to this office letter No D 7058/I&E dated 23/4/35 requesting you to forward two copies each of the Bombay Maternity Benefit Act (Rules) and the rules thereunder and to request you to kindly forward the same at a very early date

I have etc

for Secy

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. 0694 *Dated, Bangalore,* 1st August 31 1935.

From

The *Secretary to the Government of His Highness the Maharaja of Mysore,*
Development Department.

To

The Superintendent,
Government Printing & Stationery,
B o m b a y.

Sir, I am directed to invite reference to this office letter No.D.7058/I&C dated 23rd April 1935 requesting you to forward two copies each of the Bombay Maternity Benefit Act (Revised) and the rules thereunder and to request you to kindly forward the same at a very early date.

I have the honour to be,
Sir,
Your most obedient servant,

(Sd) 7/8

For Secretary to Government,
Development Department.

TSS.

No. 5220/D 32

GEN. DEPT. SECRETARIAT 3 DEC 1934 2687

From, The Director of Industries, Central Provinces.

To, The Secretary to the Government, of His Highness the Maharaja of Mysore, Development Department, Bangalore.

I & C 3 DEC. 1934

Dated, Nagpur the 29th November 1934.

Subject:- The C,P. Maternity Benefit Act, 1930 (VI of 1930) and the rules framed there under.

Sir,

With reference to your letter No.D/3482/ I.& C., dated the 22nd November 1934, I have the honour to say that no spare copies of the above act and rules are available in this office. The same may be obtained on payment of As/2/- each from the Superintendent, Government Printing C.P. Nagpur.

I have the honour to be sir,

Your most obedient servant

Director of Industries, C.P

Subt

This note may be subt to Regr for the books in this being obtained from the Library

12/12/34 (Urgent)

Lib 12/12/34

The C. P. Maternity Benefit Act, 1930 is not available in the Library. If approved this will be ordered for.

13/12/34 Draft put up for appl or other orders.

13/12

TYPING SECTION 13. DEC. 1934 GENL

Issued No. C 1747 dt 17. 12. 34 to the Supdt. G.P. Nagpur ordering for 3 copies of the Act

Copies rec'd & a copy put up herewith.

27/12/34 Subt to Regr for Printg Bombay are awaited. Library may be requested to bring note to Chief (R) Inspector of Factories Bombay to get a copy of the said Rules in Bombay, if he have not already

R. Insurance of Bombay Council. Interim Act giving Rules hereunder. 34 1786/6

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

In letter No. D 3682/Dev&B.U-36 of. Orders have been placed with the Supdt. Govt Printing, Bombay, for the supply of the above publication to Govt in the Development Dept.

Since the Library has not placed the orders, a reminder to the Supdt. of Govt Printing Bombay, may issue from this Dept. The publication has not so far been received in the Library. Govt forwarders with a draft.

KP 23/7/35.

Please put up a draft reminder.

23.2.35.

23/2

This is a Govt case of the Development Branch and the reminder may also issue from that branch as the copies of the publication have not as yet been received in the Library.

KP 23/2

Dev. Br.)

KP 23/2

It is a pity that the arrangement of papers in this file has received no attention whatsoever

KP 23/2

noted for guidance

Asst.

GEN. & REV. SECRETARY.

25 FEB. 1935

N.B.—*Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.*

2687

Draft ... may be approved for issue

Issue. Reserve might have been reminded earlier

... supply ... obtaining ...

No 5966 of 7.3.35

Regrets the unless ... the supply may be expected

4614

[App. F. III–2

General and Revenue Secretariat | File No. | of 193

Serial No.

To the Supdt Govt Printing & Stationery Bombay

Letter No BSD dt. 29. 3. 35

States that the Act in question is under revision when the rules will be sent if so desired

Draft Subd

by 17/4/35

Approved issued

18/4

To the Supdt Govt Printing

No D 7055 dt 23/4.

Requests him to send 2 copies of the rules etc

TYPING SECTION. 18. APR. 1935 GENL & REV. SECTT.

Hon Ag by

It was ascertained that there was an enquiry at the meeting of the Select Committee to say about the books. The books have not yet been received. A draft reminder is submitted

Issued 30/7/35

30 APR. 1935 DEVELOPMENT BRANCH

A report of the working of the Bombay Madhuri Act has been received. Please put up

Hon A Secretariat by 31/7/35

TYPING SECTION. 31 JUL. 1935 GENL & REV. SECTT.

Encl No D 6516 dated 1-8-35

Reminder with the report received

1/8/35

No further action is called for. This will be linked with the file in which the question of introducing legislation has been referred to the Govt of India for opinion

by 14/8/35

OFFICE OF THE SECRETARY
8 MAY 1935
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

Bangalore.
4th May 1935.

To

DEWAN'S OFFICE
5 MAY 1935
No.....

The Dewan of Mysore,

BANGALORE.

S i r,

We have the honour to enclose herewith the copy of the Maternity Benefit Bill which we intend moving before the Legislative Council at its next session. We request that you will be pleased to grant the necessary permission and place before the next session of the Representative Assembly the general principles of the Bill for its consideration. We enclose herewith the necessary copies of the statements of objects and reasons and general principles of the Bill.

Thanking you,

We have the honour to be,

S i r,

Yours sincerely,

K. T. Bhashyam Ayyangar

T. Ramachandra

Members,
Legislative Council.

THE MATERNITY BENEFIT REGULATION.

38

-0-

A Regulation to prevent the employment of women in factories for some time before and some time after confinement and to provide for payment of maternity benefit to them.

Whereas it is expedient to prevent the employment of women in factories for sometime before and some time after confinement and to provide for the payment of maternity benefit to them;

It is hereby enacted as follows:-

Short title.

1. This Act may be called the Maternity Benefit Regulation, 1936.

Commencement and extent.

2. (1) It shall come into force on the

(2) It extends to the whole of the State of Mysore.

Definitions.

3. In this Regulation, unless there is anything repugnant in the subject or context,-

(a) 'employer' includes 'an occupier of a factory' as defined in the Factories Regulation and the manager of a factory;

(b) the expressions 'factory,' 'Inspector of Factories,' 'seasonal factory' and 'worker' shall have the same meanings as are respectively assigned to them by the Factories Regulation; and

(c) 'maternity benefit' means the amount of money payable under the provisions of this Regulation to a woman worker in a factory.

Prohibition of employment of women in factories immediately after confinement.

4. After this Regulation comes into operation, no employer shall knowingly employ a woman in any factory during the four weeks immediately following the day of her confinement.

Right to maternity benefit of women workers in non-seasonal factories.

5. (1) Subject to the provisions of this Regulation, every woman worker in a factory not being a seasonal factory shall be entitled to the payment of maternity benefit at the rate of eight annas a day for the actual days of her absence during the period immediately preceding her confinement and for the four weeks immediately following her confinement as mentioned in sub-section (2):

Provided that a woman shall not be entitled to maternity benefit unless she has been employed in the factory of the employer from who she claims maternity benefit for a period of not less than nine months immediately preceding the date on which she gives notice under sub-section (1) of section 6.

(2) The maximum period for which any woman shall be entitled to the payment of maternity benefit shall be seven weeks, that is to say, three weeks up to and including the day of her confinement and four weeks immediately following that day. If a

woman dies during this period the maternity benefit shall be payable only for the days up to and including the day of her death.

Notice of claim of maternity benefit and payment thereof.

6 (1) Any woman worker in a factory entitled to maternity benefit under the provisions of this Regulation may give notice in writing to her employer stating that her maternity benefit may be paid to her or to such other person as she may nominate in this behalf and that she will not work in any employment during the period for which she received maternity benefit. If the woman worker has not been confined, such notice shall state that she expects to be confined within one month from the date of the notice; if she has been confined, such notice shall be given within one week of her confinement.

(2) The employer shall on receipt of the notice permit such woman to absent herself from the factory until the expiry of four weeks after the day of her confinement.

(3) The amount of maternity benefit for the period up to and including the day of confinement shall be paid by the employer to the woman within forty-eight hours of the production of such proof as the Government may by rule prescribe that the woman has been confined. The amount due for the subsequent period shall be paid punctually each fortnight in arrear.

Payment of maternity benefit in case of claimant's death.

7. If a woman worker entitled to maternity benefit under the provisions of this Regulation dies during the period for which she is entitled to maternity benefit, the employer shall pay the amount of maternity benefit due to the nominee mentioned in the notice given under sub-section (1) of section 6 and if there is no such nominee to her legal representative.

Prohibition of notice of dismissal to woman worker in certain cases.

8. (1) When a woman worker absents herself from work in accordance with the provisions of this Regulation, it shall not be lawful for her employer to give her notice of dismissal during such absence or on such a day that the notice will expire during such absence.

(2) (a) No notice of dismissal given without sufficient cause by an employer to a woman worker within a period of three months before her confinement shall have the effect of d epriving her of any maternity benefit to which but for such notice she would have been, or would on or before the date of her confinement have become, entitled under this Regulation.

(b) If any question arises as to whether any notice of dismissal given under clause (a) was or was not given for sufficient cause, it shall be referred to the Commissioner of Labour whose decision shall be final.

(c) The provisions of this sub-section shall not apply to notices falling under sub-section (1).

Forfeiture of maternity benefit.

9. If a woman works in any factory after she has been permitted by her employer to absent herself under the provisions of section 6, she shall forfeit her claim to the payment of the maternity benefit to which she is entitled.

Penalty for contravention of Regulation by employer.

10. If any employer contravenes the provisions of this Regulation, he shall be punishable with fine which may extend to two hundred and fifty rupees.

Jurisdiction of Courts.

11. (1) No prosecution for any offence against this Regulation or any rules thereunder shall be instituted by or with the previous sanction of the Commissioner of Labour.

(2) No Court inferior to that of a District Magistrate or of a Magistrate of the First Class shall try any offence against this Regulation or any rules thereunder.

Period of limitation for prosecutions under Act.

12. No Court shall take congnizance of, or convict a person for, any offence against this Regulation or any rule thereunder unless complaint thereof has been made within six months of the date on which the offence was committed. In computing the period of six months aforesaid, the time, if any, taken for the purpose of obtaining the previous sanction of the Commissioner of Labour under sub-section (1) of section 11 shall be excluded.

Rules.

13. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for:-

(a) the preparation and maintenance of a muster roll and the particulars to be entered in such roll;

(b) the inspection of factories for the purposes of this Regulation by Inspectors of Factories;

(c) the exercise of powers and the performance of duties by Inspectors of Factories for the purposes of this Regulation; and

(d) the method of payment of maternity benefit in so far as provision has not been made therefor in this Regulation.

(3) Any such rules may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(4) The making of rules under this section shall be subject to the condition of previous publication.

Copy of Act and rules to be exhibited in factories employing women.

14. A copy of the provisions of this Regulation and the rules thereunder in the local vernacular shall be exhibited in a conspicuous place by the employer in every factory in which women are employed.

J. Ramachandra

STATEMENT OF OBJECTS AND REASONS.

-0-

The object of this Bill is twofold:- Firstly it is intended ton prohibit the employment of women in those industries the work in which is regulated by law, six weeks after confinement, to enable them from being dismissed from service during the days of their absence from work due to their advanced state of pregnancy and confinement. Secondly, during the period of her absence due to the above-mentioned reasons, a woman worker should be provided with financial help sufficient to maintain herself and the child in a healthy condition.

Provision of maternity benefit during the days of enforced absence is necessary as without such provision, mere prevention of work will be a measure of doubtful utility. It is but fair that the financial burden of the provision of the maternity benefit should fall upon industries that employ women with their natural sex disabilities. Moreover, as only a small proportion of women out of the total number of women employed will be eligible for the maternity benefit during the course of the year, the incidence of the burden will be very small.

The Government of Mysore have already introduced a system of Maternity Benefit for women workers in Government Factories. The Bill seeks to improve the system and render it applicable to all factories in the State.

4th May. 1935. D. Ramachandra

GENERAL PRINCIPLES OF THE MATERNITY BENEFIT BILL.

(12

-00-

There are large numbers of women workers engaged in industrial works chiefly factories. At present there is no provision for their maintenance and protection during the stages of advanced ~~xxx~~ pregnancy and confinement, as a result of which they either overstrain themselves by working during the period and suffer permanently in health involving equal suffering and even danger to the health of the children, or give up work and suffer in privation and poverty. The Bill seeks to prevent their being forced to work at about the period of confinement and provide sufficient financial protection to them during such period of their absence from work.

A system of maternity benefit is already in force in the State regarding women workers in Government factories. The Bill seeks to improve the same and extend it to all factories in the State.

It provides that no woman shall be employed in any factory during the four weeks immediately following the date of confinement; and for payment to her of a maternity benefit at 8 Annas per day for the actual days of her absence during the period immediately preceding the confinement (not exceeding three weeks) and for the four weeks immediately following her confinement.

The amount shall be paid by the employer to the woman within 48 hours of the production of such proof of her confinement as may be prescribed by Government under rules; and the amount due for subsequent period shall be paid for a fortnight in arrears.

Provision is made (1) For payment of the benefit to the nominee (2) For prohibiting the woman from working in any factory during the period (3) For prohibiting the employer from dismissing ~~ix~~ a woman worker for absence during the period or within three months prior to the confinement and (4) for rules to be framed by Government for working out the provisions.

4th May '35. T. Ramachandra

D 938/L.C.

Bangalore.
4th May 1935.

To

OFFICE OF THE SECRETARY,
8 MAY 1935
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL.

The Dewan of Mysore,

BANGALORE.

S i r,

We have the honour to enclose herewith the copy of the Maternity Benefit Bill which we intend moving before the Legislative Council at its next session. We request that you will be pleased to grant the necessary permission and place before the next session of the Representative Assembly the general principles of the Bill for its consideration. We enclose herewith the necessary copies of the statements of objects and reasons and general principles of the Bill.

Thanking you,

We have the honour to be,

S i r,

Yours sincerely,

T. Ramachandra

Members,
Legislative Council.

Copy forwarded with compliments to:

The Secretary,
Legislative Council,
Public Offices, BANGALORE.

Appendix F G—1]

SUBJECT ..... Requests the S. S. to furnish the Govt. with his opinion on the Bill.

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 193

Date of issue 20. 5. 1935

Signed by Mr. L. Subbaiengar
Asst. Secy.

List of enclosures .....

Copied by .....

Examined by .....

Section

File No.

Serial No.

No. 3140/Ex: 1935
L.C.

To

The Senior Surgeon in Mysore,

Bangalore.

Sir,

In forwarding herewith a copy of the Maternity Benefit Bill which Mess. K. T. Bhashyam Aiyangar and T. Ramachandra, members of the Legislative Council intend moving in the Legislative Council, I am directed to request you to kindly furnish the Govt. with your opinion on the proposed bill at an early date. The Bill may kindly be returned with the opinion.

I have etc.,

Secretary, L. C.

20/5/35

No. 3140 /Ex: Confidential

L.C

Leg

28th May 1935

The

The Senior Surgeon in Mysore,
Bangalore.

In forwarding herewith a copy of the Maternity Benefit Bill which Messrs. K.T. Bhashyam Aiyangar and T. Ramachandra, Members of the Legislative Council, intend moving in the Legislative Council, I am directed to request you to kindly furnish Government with your opinion on the proposed bill, at an early date. The Bill may kindly be returned with the opinions.

I have the honour to be,
Sir,
Your most obedient servant,

Secretary.

Fair copy

D 1040

Lab

MYSORE MEDICAL DEPARTMENT

Telephone—**No. 215**

OFFICE OF THE SENIOR SURGEON IN MYSORE,

No. Dis B.498.
Enc. 3.

Bangalore, dated the 31-5- *1935.*

Ge/20/5/35

From

Sastravaidya Pravina

S. SUBBA RAO, Esq., B.A., M.B.C.M., M.R.C.S., (Eng.) L.R.C.P., D.P.H.,

Senior Surgeon with the Government of H. H. the Maharaja of Mysore.

To

The Secretary,
Representative Assembly & Legislative Council,
Bangalore.

Sir,

With reference to your letter No.3140L.C. dated the 20th May 1935, forwarding a copy of the Maternity Benefit Bill for my opinion, I have the honor to state that it is highly desirable to have such a regulation to safe-guard the interests of the women workers in the Factories, and it appears necessary that it should be introduced in the State.

The only point for consideration is whether 8 as a day, as suggested in clause 5 (i) as maternity benefit would meet all requirements. I would suggest that as in the case of women in Government service, who are given their full pay during maternity leave, the ordinary daily wages due to the women labourer-, whether it be less or more than as 8/-per diam- may be paid during this period.

The Bill is herewith returned.

I have the honor tobe,
Sir,
Your most obedient servant,

S. Subba Rao

Senior Surgeon

Appendix F.G—1]

47

SUBJECT ..... Forwards the bill for ..... the opinion of D. of I. & C. ..... SI 15

Section

File No.

Serial No.

Diary No. of letter replied to .....

No. 4747/Gen: arc only

To The Director of Industries and Commerce

in Mysore, Bangalore

Sir,

I am forwarding herewith a copy of the Maternity Benefit Bill which Messrs K. T. Bhashyam Aiyangar and T. Ramachandra, Members of the L.C. intend moving in the L.C. I am directed to request you to kindly favour Govt. with your opinion on the proposed Bill at an early date. The Bill may kindly be returned with your opinion.

I have etc.

General and Revenue Secretariat

( )

the 193

Date of issue 9.6.1935

Signed by Sir. C. Subahmanya Aiyar

List of enclosures .....

Copied by .....

Examined by.....

Secy. to L.C.

WD 01956—GPB—22,500—12-6-34

7/6/35

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

46

Office of the Secretary,
Representative Assembly and Legislative Council,
Camp, Mysore,
~~Bangalore~~, Dated, 8th June 1935

No. 4747 / En: are only
L.C.

From C. Subrahmanya Aiyar, Esq., B.A., B.L.,
~~The~~ Secretary,
Representative Assembly and Legislative Council.
Camp, Mysore.

To

S. Abdul Wajid, Esq., B.A.,
Director of Industries and Commerce in Mysore,
Bangalore.

Sir,

In forwarding herewith a copy of the Maternity Benefit Bill which Messrs. K.T. Bhashyam Aiyangar and T. Ramachandra, members of the Legislative Council, intend moving in the Legislative Council, I am directed to request you to kindly favour Government with your opinion on the proposed bill at an early date. The bill may kindly be returned with your opinion.

I have the honour to be,
Sir,
Your most obedient servant,

Secretary,
Mysore Legislative Council.

Fair Copy

Telegraphic Address : "INDUSCOM"

In reply please refer to No. 5 Maja 34-35

GOVERNMENT OF MYSORE.

DEPARTMENT OF INDUSTRIES AND COMMERCE.

OFFICE OF THE DIRECTOR,

ENCLS. Two.

Bangalore, dated the 14th June, ... *193* 5

FROM S. Abdul Wajid, Esq., B.A.,
XXXXXXXXXXXXXXXXXXXXXXXX
Director of Industries and Commerce in Mysore,
Bangalore (India).

To 17/6/35

The Secretary,
Representative Assembly & Legislative
Council, Camp: Mysore.

SIR,

With reference to your letter No.4747/I&C. dated 9th June 1935, forwarding for my opinion a copy of the Maternity Benefit Bill which Messrs. K.T. Bhashayam & T. Ramachandra, Members of the Legislative Council, intend moving in the ensuing Legislative Council, I have the honour to forward herewith a brief note on the Maternity Benefit Acts and also my opinion regarding the present Bill.

I have the honour to be,
Sir,
Your most obedient servant,

Director.

VV:KS)

Payment of Wages Bill.

A Bill entitled 'The Payment of Wages Bill' was introduced in the Indian Legislative Assembly on 13th February 1935. The Bill is at present being considered by a Select Committee. In 1925, a private Bill was introduced in the Legislative Assembly with the intention of enforcing the general adoption of weekly payments to employees. But the Bill was withdrawn by its sponsor for want of support. In 1926, the Government of India addressed local Governments with a view to ascertain the position with regard to the delays which occured in the payment of Wages to persons employed in industry and the practice of imposing fines upon them. The information was collected and placed by the Government of India before the Royal Commission on Labour which was appointed in 1929. In February 1933, a Bill embodying the conclusions then reached was introduced and circulated for the purpose of soliciting opinion. But this Bill lapsed.

The present Bill is based upon the same principles as the original bill, but it has been revised in the light of the criticisms received when the original bill was - - circulated.

The present Bill proposes to enforce the payment of wages within a week they are due and regulate fines and deductions from wages, so that the various abuses at present prevailing regarding the payment of wages and deductions from the same may be put an end to and the worker be relieved from much inconvenience that is being caused at present on this account. The Royal Commission on Labour has made a number of recommenda -tions in this connection. Briefly stated, they are as follows:-

The Royal Commission recommended that legislation should be enacted providing for the payment of wages within 7 days from the expiry of the period for which they have been earned in the ordinary case and as early as possible but not later than 2 days from the date of discharge in the case of an

an operative who is discharged. This Law should be applie-able to factories, mines, railways and plantations, and should provide for possible extension to every branch of industry.

As regards the deductions from wages, the Royal Commis-sion recommended that legislation regarding such deductions from wages and fines was very necessary and desirable. The Commission in their Report have given in detail the various methods of limiting the imposition of fines and deductions from wages. The Commission recommended that legislation should, in the first instance, apply only to employees in receipt of less than Rs 100/- a month and factories under the Factories Act and Railways. The imposition of a deduction from wages not permissible by Law should, as recommended by the Royal Commission, be punishable; but the usual form of proceedings should not be prosecution, but an application before specially empowered magistrates and other officers for the recovery of the wrongful payments and for compensation.

All these recommendations have been incorporated in the present Bill. We may await the Report of the Select Committee and when the Bill as amended by the Select Committee has been passed by the Legislative Assembly and when it becomes an Act, we may consider on what lines the provisions of that Act may be made applicable in Mysore.

Abdul Wajid.

DIRECTOR OF I&C.

BV2)17-6-35

Bv.

MATERNITY BENEFIT.

The general standard of life of labourers in India is low and therefore some form of meternity benefit would be of great value to the health of the woman worker and her child at a vulnerable period of the lives of both. The Royal Commission on Labour in India which submitted its Report in 1931 has made various recommendations in this connection. Long before the Report of this Commission was submitted to Government, there did exist in India certain schemes of maternity benefit voluntarily adopted by some of the larger industrial concerns and employers.

There are Legislative enactments in this connection in the Bombay Presidency and the Central Provinces. The Maternity Benefit Act of the Bombay Presidency was passed in the year 1929 and the Central Provinces Maternity Benefit Act came into force in 1930. The two enactments are similar in scope. There is no such legislation in the other Provinces. The above two Acts are similar.

The main provisions of the Bombay Maternity Benefits Act are as follows:-

The Act prohibits the employment of women in factories during the 4 weeks immediately after delivery. The Act provides for the payment by the employer of a maternity benefit for the payment by the employer of a maternity benefit at the rate of 8 annas per day for the actual days of absence preceding confinement and for four weeks after the confinement. The woman worker to claim such benefits should have put in not less than 6 months' service preceding the date of absence for confinement. The maximum period for which benefit is given is 7 weeks - 3 weeks before delivery and 4 weeks after. If the woman dies during this

this period, the benefit should be paid only for the days up to and including the day of death. The amount due up to the date of delivery (including the date of delivery) should be paid bythe employer within 48 hours of the production of a certificate extracted from a Birth Register that the woman has delivered of a child. The amount due for the subsequent periods should be paid for each fortnight in arrears. In case of death of the woman, the benefit should be paid to the person who takes care of the child if it survives and if not to the legal representative of the woman.

The Act provides that the employer should not issue notice of dismissal dispensing with the service of the woman during the period of these 7 weeks. Women workers claiming maternity benefit under the Act should not work in other factories during the period for which they claim maternity benefit. If they work they shall forfeit the claim for any benefit.

The Act imposes penalties for contravention of the provisions of the Act. Any employer contravening the provisions of the Act shall be liable for a fine up to Rs.500/- and any woman worker contravening the provisions of the Act and working in other factories shall be liable for a fine up to Rs.10/-.

This Act of 1929 has further been amended by the Bombay Maternity Benefit (Amendment) Act of 1934, the most important amendments being in the case of method of payment of the benefits. Three alternative methods of payments according to the wishes of the woman are adopted in place of the method found in the 1929 Act.

The Central Provinces Maternity Benefit Act differs from the Bombay Act in 3 respects only:-

Firstly, the rate of benefit provided for in the Central Provinces Act is at the rate of 8 annas per day or the average daily earnings calculated on the total wages earned during 3 months preceding the date of confinement, whichever is less.

Secondly, the qualifying period of service which entitles a woman to claim the benefit is 9 months instead of 6 months as provided for in the Bombay Act.

Thirdly, the payment of the benefit for the period up to the date of delivery should be made within 72 hours after confinement instead of 48 hours as provided for in the Bombay Act. Except in these three ~~cases~~ hours, the Central Provinces Act is similar to the Bombay Act in all other respects.

The Royal Commission have in their recommendations mainly adopted the provisions of these two Acts, but recommend a wider application of these benefits. They recommend that the maternity benefit legislation should be enacted throughout India on the lines of the schemes in Bombay and the Central Provinces. Legislation should be confined to women employed full time in perennial factories covered by the Factories Act. The scheme should be non-contributory in the first instance, the entire cost of benefit being borne by the employer. Government should have power to exempt individual firms whose existing schemes are at least as liberal as those contained in the Act.

As regards the rate of benefit to be given, the Royal Commission recommend the rate provided for by the Central Provinces Act as suitable for general application. The maximum benefit period should be 4 weeks before and 4 weeks after child birth.

As regards the qualifying period, the Royal Commission

Commission recommend that it should not be less than 9 months nor more than 12 months in any case.

There is no Maternity Benefit Regulation in Mysore at present, but in order to give effect, as far as possible, to the recommendations of the Royal Commission on Labour, the Government issued an order in April 1933, ordering the grant of maternity benefit to the women employees in all the industrial concerns under the Department of Industries and Commerce. The rate of benefit and the qualifying period of service approved by this Goverrment Order are similar to those provided in the Central Provinces Act. But the period for which the benefit is due is fixed at 8 weeks, i.e., 4 weeks prior to and 4 weeks after confinement.

The Bill now proposed to be introduced in the Legislative Council by Messrs. Bhashyam & Ramachandra is modelled on the Acts in force in Bombay and the Central Provinces. The proposed Bill provides for a rate of 8 annas benefit as in Bombay. The Bill is exactly similar to the Acts in force in Bombay and Central Provinces ~~exp~~ except in one important respect. The Acts in British India impose penalties, both on employers and women employees for contravening the provisions of the Acts; but in the proposed Bill, only the employer is made liable ~~by~~ to a fine of Rs.250/- whereas the woman employee is not made liable for any punishment. It is desirable that the woman employee should also be made liable for a penalty in case she contravenes the provisions of the Regulation. This will aid ~~to~~ the fulfilment of the real aim of the Bill. As regards the rate, it is better if the rate at present in vogue in the concerns of the Department of Industries and which is supported by the recommendations of the Royal Commission on Labour, is adopted in Mysore.

56

Mysore.

The other Provisions of the Bill seem to be alright and may be adopted.

Abdul Wajid.

DIRECTOR OF I&C.

BV2)

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYS

General and Revenue Secretariat 22 57

No. 12176 Dated, Bangalore, 21st August 193-.

From IK 66-83-2

The *Secretary to the Government of His Highness the Maharaja of Mysore, Development Department.*

To

The Director of Industries and Commerce
in Mysore.

Sir,

Adverting to the correspondence ending with your letter No.C.5-Legis/34-35 dated 17th June 1935 forwarding your opinion on the Maternity Benefit Bill to ~~the~~ be introduced by Messrs.K.T.Bhashyam and T.Ramachandra, I am to request you to kindly refer the Bill to the Board of Industries and Commerce for their consideration and to forward their opinion with your remarks thereon early.

I have the honor to be,
Sir,
Your most obedient servant,

for Secretary to Government,
Development Department.

B.A.M.2

Appendix F G—1]

SUBJECT ..... 5-6 .....

.....

.....

Section Dte

File No. 46-35

Serial No. 2

No. D/1176

To The Dir Dte

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 193

Date of issue 22/8/35

Signed by Illegible

Sir

Adverting to the correspondence ending with your letter No C5--Legis/34-35 dated 17-6-35 forwarding your opinion on the Maternity Benefit Bill to be introduced by Messrs K.T. Bhashyam and T. Ramachandra, I am to request you to kindly refer the Bill to the Board of I. KC for their consideration to ~~state~~ and forward their opinion with your remarks thereon.

I have etc

D/3578 -

for Secy

List of enclosures .....

Copied by 21/8/35

Examined by.....

WD 01956—GPB—22,500—12-6-34

B. I. C. 2.]

No. 210

Encl.

OFFICE OF THE SECRETARY
5 SEPT. 1935
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL.

BOARD OF INDUSTRIES &

Bangalore, dated 4th Septem.

From H.K.Ramiengar, Esq.,M.A.(Hons),
[redacted]
Secretary, Board of Industries & Commerce,
BANGALORE.

To

C. Subramanya Iyer, Esq.,B.A.,B.L.,
Secretary, Representative Assembly
and Legislative Council, Bangalore.

Sir,

I am directed to state that Government have called for the views of the Board on the Maternity Benefit Bill to be introduced by Messrs. K.T. Bhashyam Iyengar and T. Ramachandra. I request you to kindly send me a copy of the Bill for reference in this office.

I have the honour to be,
Sir,
Your most obedient servant,

H.K. Ramiengar
Secretary.

D 1640

The connected papers were sent to the Dev. Bd. on 9th August 1935 for the views of the Board of Industries and Commerce being obtained. That file contains the Bill. This will be passed on to the Dev. Bd. for their compliance.

5.9.35

Dev Bd. with Compliments

Yours sincerely

Secretary

TYPING SECTION
7. SEP. 1935
GENL & REV. SECTT.

GEN. & REV. SECRETARIAT
10/9
DEVELOPMENT BRANCH

? Re my Board yr ltr —
No D 165 2nd 10. 9.
Sends the above

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. D 115 L (61)

Bangalore, Dated, 9th September 1935.

From

The *Secretary to the Government of His Highness the Maharaja of Mysore, Development Department.*

To

The Secretary,
Board of Industries and Commerce
in Mysore.

Sir,

With reference to your letter No.210 dated 4th September 1935, I am directed to forward herewith a copy of the Maternity Benefit Bill proposed to be introduced by Messrs: K.T.Bhashyam Iyengar and T.Ramachandra and to request that the same may be kindly returned ~~particularly~~ early with the views of the Board of Industries and Commerce.

I have the honour to be,
Sir,
Your most obedient servant,

For Secretary to Government,
Development Department.

TSS.

62

Appendix F G—1]

SUBJECT .....

.....

.....

Section 9 (c)

File No. 46-35

Serial No.

Diary No. of letter replied to .....

No. 10652/G

To

General and Revenue Secretariat

( )

the *193*

Date of issue 10/9/35

Signed by .....

The Secy, Board of Rev.

Sir,

With reference to your letter No 210 Dy 4.9.35 I am directed to forward herewith a copy of the Maternity Benefit Bill proposed to be introduced by Messrs K T Bhashyam Iyengar & T Ramachandra Chettiar regarding the same for which it may be kindly returned Early with the views of the Board of Revenue

I have &c

Sd 6/9

for Secy

List of enclosures .....

Copied by 7/9/9

Examined by .....

5(7)

Dev. 46-35-3

Telegraphic Address:—"INDUSCOM."

GOVERNMENT OF MYSORE.

DEPARTMENT OF INDUSTRIES AND COMMERCE.

In reply please refer to
No. Cl.240/35-36
Encl. 3,

OFFICE OF THE DIRECTOR,
Dated Bangalore, 6th January 1936.
Camp - Mysore.

FROM S. ABDUL WAJID, ESQ., B.A.,
~~XXXXXRAMAXXAYYAN, ESQ., B.A.,~~
Director of Industries and Commerce in Mysore,
Bangalore (India).

To

M. VENKATANARANAPPA, ESQ., B.A.,
Secretary to the Government of Mysore,
Development Department, Bangalore.

DEVELOPMENT SECRETARY. TO GOVERNMENT OF MYSORE. 7.1.36

SIR,

Reference:- Draft Bill providing for the grant of matern benefit to women working in Factories.

*****

With reference to your letter No.D.1176/I&C.46-35-2 dated the 22nd August 1935 requesting me to refer the above bill to the Board of Industries and Commerce for their consideration, I have the honour to state that the Trade, Commerce and Labour Sub-Committee of the Board considered the subject at their meeting he on 21st November 1935 and resolved that the draft bill with cert modifications suggested by them might be passed into law at an early date.

The subject was considered by the Board at the Meeting hel the 4th December 1935 and they resolved that the draft bill w modifications suggested by the Sub Committee might be recomm to Government to be passed into law and that the bill might proceeded with as a Government measure. Copy of the Proce of the Meeting of the Sub-committee together with copy of a extract from the proceedings of the meeting of the Board or subject received from the Secretary, Board of Industries an Commerce is enclosed herein for the information of Governme

I am in agreement with the views of the Board in the ma and I recommend that the Bill might be passed into law and it may be taken up as a Government measure.

The draft Bill forwarded by you to the Secretary, Boar

of Industries and Commerce with your letter No.D.1702/I&C.46-45 dated 10-9-1935 is returned herewith.

I have the honour to be,

Sir,

Your most obedient servant,

Abdul Wajid.

DIRECTOR.

BV2 .

CONFIDENTIAL.

BOARD OF INDUSTRIES AND COMMERCE.

Trade, Commerce and Labour Sub-Committee.

PROCEEDINGS OF THE MEETING HELD ON THURSDAY THE 21ST NOVEMBER 1935 AT 8-30 A.M.

Present.

1. *Rao Bahadur* B. K. Garudachar (*Chairman*).
2. S. Abdul Wajid, Esq., B.A.
3. Dr. B. Narasimha Iyengar, B.A., Ph.D.
4. *Dharma Pravartha* Mr. M. L. Nagappa Setty.
5. T. Ramachandra, Esq.
6. M. Ramachandra Rao Sindhia, Esq.
7. M. R. Narasimha Iyengar, Esq.

Mr. H. K. Ramiengar, M.A. (HONS.) *Secretary.*

Absent.

1. The Registrar of Co-operative Societies (Letter expressing his inability to attend the meeting was received).
2. P. W. O'Brien, Esq. do
3. *Rajasevasakta* Mr. S. Hiriannaiya, M.A., B.L. do
4. K. Srikantaiya, Esq.
5. B. Abdul Rahmon, Esq., B.A.

The Secretary referred to the proceedings of the last meeting on the subject and said that opinion on the following points had been called for from some of the planters.

1. Scheme for the establishment of a Coffee Curing Works at Chikmagalur.

(1) Adequacy or otherwise of the capital proposed for the company if it was to function on the lines of the Coastal Works.

(2) Possibility of securing sufficient coffee for curing works without rendering financial accommodation to the planters.

(3) Effects of competition from the existing curing works, and

(4) To what extent the working of the concern would be affected by the absence of a ready market for cured coffee at Chikmagalur.

Out of the five planters addressed, only two, Messrs. Javali Ganesha Rao and L. P. Kent, Mudgere, had responded. The former opined that it was possible to start the curing works with the capital proposed and secure sufficient coffee for curing, provided arrangements could be made with the planters who had taken advances from the Bank of Mysore to send their coffee, that the competition from the

existing curing works could be overcome, that the absence of a market for cured coffee might be remedied by the company opening a sales agency at Chikmagalur and elsewhere. Mr. Kent was not in favour of the scheme and doubted whether sufficient coffee could be secured for curing without rendering financial assistance.

Rao Bahadur B. K. Garudachar stated that the coffee industry was by no means a new industry calling for any special assistance from Government. If the prospects of the proposed company were hopeful, the planters themselves could have put it through and come forward with more liberal contribution towards the share capital than they had done especially when a return of 12 per cent had been assured. He could not understand why the Planters' Association should ask the Government to take the initiative in the matter and to subscribe to the share capital. The proper course for them would have been to request Government for financial help on advantageous terms when the coffee curing factory was established. In the case of the Mysore Sugar Company, the Government subscribed to the share capital but the case of the Sugar Company was quite different from that of the coffee curing works. Even assuming that the company was not required to finance the planters, the company required more working capital as it had to bear all charges till the cured coffee was finally disposed of and the sale price realised.

Dr. Narasimha Iyengar said that the working capital provided for in the scheme was not adequate for meeting all the working expenses.

Messrs. M. Ramachandra Rao Sindhia and M. R. Narasimha Iyengar observed that all new concerns had to overcome some initial difficulties and competition from the existing concerns. They urged the starting of the curing factory at Chikmagalur as they saw no difficulty in securing sufficient quantities of coffee for curing from the planters who were not financed by the Coastal Firms.

Dharma Pravartha Mr. M. L. Nagappa Setty stated that he had his own doubts as regards the success of the proposed concern unless it afforded financial assistance to the planters. In order to facilitate the grant of advances to the planters, the company would require a capital of about Rs. 15 lakhs. He observed that the estimates of receipts and expenses of the proposed factory required careful scrutiny and stated that the curing charges taken at Rs. 40 per ton were too high. The Mangalore firms charged much less (they allowed a rebate of Rs. 5 on their advertised charges now) and may reduce their charges still further to compete with the new concern. Messrs. Abdul Majeed & Co., Chikmagalur, were charging Rs. 20 per ton. Apart from the competition of the existing curing works, there was also a possibility of one of the West Coast firms starting the curing works at Chikmagalur. As electric power was now available at Chikmagalur, some of the estates might start their own curing works.

Mr. S. Abdul Wajid observed that the scheme was feasible provided the members interested would undertake to have their coffee to the extent of 1,500 tons cured at the proposed works at the rates put down in the estimates for curing coffee.

After some discussion, it was resolved that the scheme might be recommended for adoption if the planters subscribing to the share capital of the company gave an undertaking to send for curing a definite quantity of coffee grown by them to the proposed curing works at the rates fixed for a period of three years.

2. Draft Bill providing for the grant of maternity benefit to women working in factories.

The Secretary read out the letter received from the Secretary to Government, Development Department, calling for the opinion of the Board regarding the draft Bill providing for the grant of maternity benefit to the women working in the factories (*vide* Appendix I). He gave a brief history of the legislation on the subject in British India and referred to the arrangements made for the grant of maternity benefit to the women employed in the industrial concerns under the control of the department (*vide* Appendix II). There was then a discussion as regards the need for legislation here. During the course of the discussion, *Rao Bahadur* B. K. Garudachar stated that the Bangalore City Municipality had recently considered this subject and recommended to Government the grant of certain concessions to the women scavengers in their service. The sense of the meeting was that it was necessary to introduce legislation for the grant of maternity benefit in the State.

The provisions of the draft Bill were then considered. The rate of maternity benefit proposed to be granted under Section 5 (1) of the draft Bill at 8 annas a day was considered to be higher than the average daily wages of women in factories and it was resolved that the rate might be fixed at the average daily wages earned during the three months immediately preceding the date on which the notice of claim for maternity benefit was given under Section 6 (1).

As regards the prohibition of employment of women in factories after confinement, it was thought necessary to make provision under Section 4 for preventing women from offering their services for employment by way of imposition of fine in case they did so.

The members thought it advisable if the Chief Inspector of Factories was appointed as the authority for administering the Regulation instead of the Labour Commissioner as provided for in the Bill.

The Committee resolved that the draft Bill suitably revised as suggested above might be passed into law at an early date.

H. K. RAMIENGAR,
Secretary.

B. K. GARUDACHAR,
Chairman.

APPENDIX I.

THE MATERNITY BENEFIT REGULATION.

A Regulation to prevent the employment of women in factories for some time before and some time after confinement and to provide for payment of maternity benefit to them.

Whereas it is expedient to prevent the employment of women in factories for some time before and some time after confinement and to provide for the payment of maternity benefit to them;

It is hereby enacted as follows.—

Short title.

1. This Regulation may be called the Maternity Benefit Regulation, 1935.

Commencement and extent.

2. (i) It shall come into force on the.....

(ii) It extends to the whole of the State of Mysore.

Definitions.

3. In this Regulation, unless there is anything repugnant, in the subject or context—

(*a*) employer includes 'an occupier of a factory' as defined in the Factories Regulation and the manager of a factory;

(*b*) the expressions 'factory', 'Inspector of Factories', 'seasonal factory' and 'worker' shall have the same meanings as are respectively assigned to them by the Factories Regulation; and

(*c*) 'Maternity Benefit' means the amount of money payable under the provisions of this Regulation to a woman worker in a factory.

Prohibition of employment of women in factories immediately after confinement.

4. After this Regulation comes into operation, no employer shall knowingly employ a woman in any factory during the four weeks immediately following the day of her confinement.

Right to maternity benefit of women workers in non-seasonal factories.

5. (1) Subject to the provisions of this Regulation, every woman worker in a factory not being a seasonal factory shall be entitled to the payment of maternity benefit at the rate of eight annas a day for the actual days of her absence during the period immediately preceding her confinement and for the four weeks immediately following her confinement as mentioned in sub-section (2);

Provided that a woman shall not be entitled to maternity benefit unless she has been employed in the factory of the employer from whom she claims maternity benefit for a period of not less than nine months immediately preceding the date on which she gives notice under sub-section (1) of section 6.

(2) The maximum period for which any woman shall be entitled to the payment of maternity benefit shall be seven weeks, that is to say, three weeks up to and including the day of her confinement and four weeks immediately following that day. If a woman dies during this period, the maternity benefit shall be payable only for the days up to and including the day of her death.

Notice of claim of maternity benefit and payment thereof.

6. (1) Any woman worker in a factory entitled to maternity benefit under the provisions of this Regulation may give notice in writing to her employer stating that her maternity benefit may be paid to her or to such other person as she may nominate in this behalf and that she will not work in any employment during the period for which she received maternity benefit. If the woman worker has not been confined, such notice shall state that she expects to be confined within one month from the date of the notice; if she has been confined, such notice shall be given within one week of her confinement.

(2) The employer shall, on receipt of the notice, permit such woman to absent herself from the factory until the expiry of four weeks after the day of her confinement.

(3) The amount of maternity benefit for the period up to and including the day of confinement shall be paid by the employer to the woman within forty-eight hours of the production

of such proof as the Government may by rule prescribe that the woman has been confined. The amount due for the subsequent period shall be paid punctually each fortnight in arrear.

Payment of maternity benefit in case of claimant's death.

7. If a woman worker entitled to maternity benefit under the provisions of this Regulation dies during the period for which she is entitled to maternity benefit, the employer shall pay the amount of maternity benefit due to the nominee mentioned in the notice given under sub-section (1) of section 6 and if there is no such nominee, to her legal representative.

Prohibition of notice of dismissal to woman worker in certain cases.

8. (1) When a woman worker absents herself from work in accordance with the provisions of this Regulation, it shall not be lawful for her employer to give her notice of dismissal during such absence or on such a day that the notice will expire during such absence.

(2) (*a*) No notice of dismissal given without sufficient cause by an employer to a woman worker within a period of three months before her confinement shall have the effect of depriving her of any maternity benefit to which but for such notice she would have been, or would, on or before the date of her confinement, have become entitled under this Regulation.

(*b*) If any question arises as to whether any notice of dismissal given under clause (a) was or was not given for sufficient cause, it shall be referred to the Commissioner of Labour whose decision shall be final.

(*c*) The provisions of this sub-section shall not apply to notices falling under sub-section (1).

Forfeiture of maternity benefit.

9. If a woman works in any factory after she has been permitted by her employer to absent herself under the provisions of section 6, she shall forfeit her claim to the payment of maternity benefit to which she is entitled.

Penalty for contravention of Regulation by employer.

10. If any employer contravenes the provisions of this Regulation, he shall be punishable with fine which may extend to two hundred and fifty rupees.

Jurisdiction of Courts.

11. (1) No prosecution for any offences against this Regulation or any rules thereunder shall be instituted except by or with the previous sanction of the Commissioner of Labour.

(2) No Court inferior to that of a District Magistrate or a Magistrate of the First Class shall try any offence against this Regulation or any rules thereunder.

Period of limitation for prosecutions under Act.

12. No Court shall take cognizance of, or convict a person for, any offence against this Regulation or any rule thereunder unless complaint thereof has been made within six months of the date on which the offence was committed. In computing the period of six months aforesaid, the time, if any, taken for the purpose of obtaining the previous sanction of the Commissioner of Labour under sub-section (1) of Section 11 shall be excluded.

Rules.

13. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for —

(*a*) the preparation and maintenance of a muster roll and the particulars to be entered in such roll,

(*b*) the inspection of factories for the purposes of this Regulation by Inspectors of Factories,

(*c*) the exercise of powers and the performance of duties by Inspectors of Factories for the purpose of this Regulation, and

(*d*) the method of payment of maternity benefit in so far as the provision has not been made therefor in this Regulation.

(3) Any such rule may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(4) The making of rules under this Section shall be subject to the condition of previous publication.

Copy of Act and rules to be exhibited in factories employing women.

14. A copy of the provisions of this Regulation and the rules thereunder in the local vernacular shall be exhibited in a conspicuous place by the employer in every factory in which women are employed.

APPENDIX II.

Rules re. grant of maternity leave to women employees in the Industrial Concerns.

Government are pleased to issue the following rules for the grant of maternity leave to women employees in the Industrial Concerns under the control of the Industries and Commerce Department :—

1. The scheme shall be non-contributory in the first instance, the entire cost of benefit being borne by the employer.

2. The provision of benefit shall be at the rate of the woman's average daily earnings calculated on the total wages earned during the period of three months preceding the day of her confinement or at the rate of eight annas per day, whichever is less.

3. The maximum period for which benefit payment is to be made shall be four weeks up to and including the day of her delivery and four weeks following that day.

4. The qualifying period of employment shall be nine months.

WD 992—GPB—100—28-11-35

Extract from the proceedings of the meeting of the Board of Industries and Commerce held on 4th December 1935. 69

x x x x
x x x x

The Trade, Commerce and Labour Sub Committee had resolved

3. Draft Bill providing for the grant of maternity benefit to women working in factories.	that the draft Bill received from Government

might be passed into law with certain modifications suggested by them.

Mr. M. Ramachandra Rao Sindhia said that the Sub Committee ha considered the draft Bill carefully and that their recommendation was unanimous and pointed out the desirability of introducing the legis -lation in the State. He was supported by Mr.D.N. Sirur and Rao Bahadur B.K. Garudachar.

The Chairman referred to the provisions made for the grant of maternity benefit to the women employed on daily wages in the several concerns under the control of the Department of Industries and Commerce.

Mr. T. Ramachandra requested the Chairman to recommend to Government that the Bill in question which had been introduced by private members might be taken up and proceeded further as a Govern -ment measure. The sense of the meeting was that his request might be complied with.

It was resolved that the draft Bill with modifications suggest ed by the Sub Committee might be recommended to Government to be passed into law and that the Bill might be proceeded with as a Government measure.

x x x x
x x x x x

"E x t r a c t"

M.K. Ramiengar
Secretary, 19.12.35.
Board of Industries and Commerce.

BILL TO REGULATE THE EMPLOYMENT OF WOMEN IN FACTORIES SOME TIME BEFORE AND SOME TIME AFTER CONFINEMENT AND TO PROVIDE FOR THE PAYMENT OF MATERNITY BENEFIT TO THEM.

Whereas it is expedient to regulate the employment of women in factories some time before and some time after confinement and to provide for the payment of maternity benefit to them in the manner hereinafter provided: It is hereby enacted as follows :-

Short title.

1. This Regulation may be called the Mysore Maternity Benefit Regulation, 193—

Extent and operation.

2. (1) It extends to the whole of Mysore.

(2) It shall come into operation on the first day of ——

Definitions.

3. In this Regulation, unless there is anything repugnant in the subject or context,-

(a) "Employer" includes an occupier of a factory as defined in the Mysore Factories Regulation, 1936, and the manager of a factory.

(b) the expressions "factory", Inspector of factories, "~~Approved Factory~~" and "Worker" shall hav the same meanings as are respectively --- assigned to them under the Mysore Factories Regulation 1936.

(c) "maternity benefit" means the

the amount of money payable under the provisions of this Regulation to a woman worker in a factory.

"(d) "wages" includes the money value of any earned grain concession, and any money paid to cover high cost of living but does not include a bonus given for regular attendance, or any deduction or payment made on account of fines."

Employment of or work by women in factories prohibited during certain period.

4. After this Regulation comes into operation,

(1) no employer shall knowingly employ a woman in any factory during the four weeks immediately following the day of her delivery; a n d

(2) no woman shall work in any factory during the four weeks immediately following the day of her delivery.

Right to payment of maternity benefit.

5. (1) Subject to the provisions of this Regulation every woman employed in a factory shall be entitled to the payment of maternity benefit at the rate of her average daily wages calculated to the nearest quarter of an anna on the total wages earned during a period of three months immediately preceding the date on which she gives notice under Section (1) of Sec.6, or at the rate of eight annas a day, whichever is less, for the actual days of her absence for the period immediately preceding her confinement and for the four weeks immediately

immediately following her confinement as mentioned in sub-section (2);

Provided that a woman shall not be entitled to maternity benefit unless she has been employed in the factory of the employer from whom she claims maternity benefit for a period of not less than nine months immediately preceding the date on which she gives notice under sub-section (1) of section 6.

(2) The maximum period for which any woman shall be entitled to the payment of maternity benefit shall be eight weeks, that is to say four weeks up to and including the day of her delivery and four weeks immediately following that day. If a woman dies during this period the maternity benefit shall be payable only for the days up to and including the day of her death.

Procedure regarding payment of maternity benefit.

6. (1) Any woman employed in a factory and entitled to maternity benefit under the provisions of this Regulation who is pregnant may, on any day, give notice in writing to her employer stating that she expects to be confined within one month next following, that her maternity benefit may be paid to her, and that she will not work in any employment during the

period

period for which she receives maternity benefit.

(2) The employer shall thereupon permit such woman to absent herself from the factory from the following day until four weeks after the day of her delivery.

(3) Maternity benefit shall be paid by the employer to the woman entitled thereto after taking her wishes into consideration in any one of the following three ways, namely :-

(i) for four weeks - within forty-eight hours of the production of a certificate signed by a registered medical practitioner certifying that the woman is expected to be confined within one month next following, and for the remainder of the total period for which she is entitled to maternity benefit under sub-section (2) of Section 5 - within forty-eight hours of the production of a certified extract from a birth register stating that the woman has given birth to a child; or

(ii) for the period up to and including the day of delivery - within forty-eight hours of the production of a certified extract from a birth register stating that the woman has given birth to a child, and for the remainder of the total period for which she is entitled to maternity benefit under sub-section (2) of section 5-punctually four weeks after the production of such certified extract from a birth register; or

(iii) for the entire period for which the woman is entitled to maternity benefit under sub-

sub-section (2) of section 5 -- within forty-eight hours of the production, within six weeks of her delivery, of a certified extract from a birth register stating that she has given birth to a child;

Provided that no woman shall be entitled to any maternity benefit or any part thereof, the payment of which is dependent upon the production of a certified extract from a birth register under the provisions of this sub-section, unless such extract has been produced within six months of the day of her delivery.

Payment of maternity benefit in case of a woman's death.

7. If a woman entitled to maternity benefit under this Regulation dies during the period for which she is entitled to maternity benefit the employer shall pay the amount of maternity benefit due, if the newly born child survives her, to the person who undertakes the care of the child; and if the child does not survive her to her legal representative.

No notice of dismisal to be given to a woman during period of maternity benefit.

8. When a woman absents herself from work in accordance with the provisions of this Regulation it shall not be lawful for her employer to give her notice of dismissal during such absence or on such a day that the notice will expire during such absence.

Forfeiture of maternity benefit.

9. If a woman works in any factory after she has been permitted by her employer to absent herself under the provisions of section 6 she shall forfeit her claim to the payment of the maternity benefit to which she is entitled.

Penalty for contravention of the Regulation by an employer.

10. If any employer contravenes the provisions of this Regulation he shall, on conviction, be liable to a fine which may extend to five hundred rupees.

Penalty for contravention of the Regulation by a woman.

11. If any woman works in any factory within four weeks of the date of her delivery she shall be liable, on conviction, to a fine not exceeding ten rupees.

Cognisance of offences.

12. (1) No prosecution under this Regulation shall be instituted except by or with the previous sanction of the [illegible] Inspector of Factories.

(2) No Court inferior to that of a Magistrate of the First Class shall try any offence against this Regulation or any rules thereunder.

Limitation of prosecution.

13. No Court shall take cognisance of any offence against this Regulation or any rule thereunder unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

Rules.

14. (1) The Government may make rules for the purpose of carrying into effect the provisions of this ~~Act~~ Regulation.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for;

(a) the preparation and maintenance of a muster roll or register or a combined muster roll and register and the per

particulars to be entered in such muster toll, register or combined muster roll and register or in the register kept or deemed to have been kept under section 41 of the Mysore Factories Regulation, 1936.

(b) the inspection of factories for the purposes of this Regulation by inspectors of factories;

(c) the exercise of powers and the performance of duties by inspectors of factories for the purposes of this Regulation;

(d) the method of payment of maternity benefit in so far as provision has not been made in this Regulation.

(e) any other matter for which no provision has been made in this Regulation and for which provision is, in the opinion of the Government, necessary.

(3) Any such rule may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(4) The making of rules under this section shall be subject to the condition of previous publication.

Copies of this Act and rules thereunder to be exhibited.

15. An abstract of the provisionsof this Regulation and the rules thereunder in the ~~local~~ of the workers vernacular shall be exhibited in a conspicuous manner by the employer in every part of a factory in which women are employed.

K.M.R.4.
1.2.36.

74

STATEMENT OF OBJECTS AND REASONS.

It is desirable to provide for some form of maternity benefit to women workers in factories in the interest of their health and well being. There is no such statutory provision now though there are certain rules for the grant of maternity benefit to the women employed in the industrial concerns under the control of the Department of Industries and Commerce.

It is proposed in the accompanying Bill to provide for the payment of maternity benefit to women workers for a maximum period of eight weeks, four before confinement and four thereafter. Provision is also made for prohibiting employment of women in factories during that period and for preventing them from working in any factory during the said period. The bill is based on the Bombay Act VII of 1929 as amended by Act V of 1934.

K.M.R.4.
1.2.36.

Statement of General Principle of this Maternity Benefit Bill.

There is at present no law in Mysore regulating the employment of women in - factories during the period of advanced - pregnancy and confinement and providing for the payment of maternity benefit to them. The Royal Commission on labour in India recommended that legislation should be - enacted throughout India on the lines of the schemes operating in Bombay and the Central Provs Government.

Government consider that it is a very desirable piece of legislation and propose to introduce a measure on the li. of the Bombay Act VII of 1929.

The Bill will provide for the payment of maternity benefit for a maximum period of eight weeks at the rate of the woman's average daily earnings calculat on the total wages earned during a period of three months preceding or at the rate of eight annas a day, whichever is less.

The woman claiming the benefit shou ave been employed in the factory for a - eriod of not less than nine months preceding. Woman claiming the benefit will als e prohibited from being employed or from working in any factory during the period.

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4/3/36

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II. General Principles of the Maternity Benefit Bill.

There is at present no law in Mysore regulating the employment of women in factories during the period of advanced pregnancy and confinement and providing for the payment of maternity benefit to them. The Royal Commission on Labour in India recommended that legislation should be enacted throughout India on the lines of the schemes operating in Bombay and the Central Provinces.

Government consider that it is a very desirable piece of legislation and propose to introduce a measure on the lines of the Bombay Act, VII of 1929.

The Bill will provide for the payment of maternity benefit for a maximum period of eight weeks at the rate of the woman's average daily earnings calculated on the total wages earned during a period of three months preceding or at the rate of eight annas a day, whichever is less.

The woman claiming the benefit should have been employed in the factory for a period of not less than nine months preceding. Women claiming the benefit will also be prohibited from being employed or from working in any factory during the period.

the next heir of [illegible]
widow continues to enjoy them as her absolute estate. The rights acquired by her under gift, deed, or will, from her deceased husband are deemed as her absolute estate unless there is a prohibition to re-marry in the deed or the gift or the will.

A re-married widow continues to be the guardian of her children by the first husband until a civil court appoints another person in her place as guardian at the instance of some interested person.

C. SUBRAHMANYA AIYAR,
Secretary,
Mysore Representative Assembly

BANGALORE,
Dated 20th May 1936.

NOTIFICATION.

No. 4689—L. C., Bangalore, dated 27th May 1936.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to regulate the employment of women in factories sometime before and sometime after confinement and to provide for the payment of maternity benefit to them is published for general information with the statement of objects and reasons.

By Order,

C. SUBRAHMANYA AIYAR,
Secretary,
Mysore Legislative Council.

Bill to regulate the Employment of Women in Factories sometime before and sometime after Confinement and to provide for the Payment of Maternity Benefit to them.

Whereas it is expedient to regulate the employment of women in factories sometime before and sometime after confinement and to provide for the payment of maternity benefit to them in the manner hereinafter provided: It is hereby enacted as follows:—

Short title.

1. This Regulation may be called the Mysore Maternity Benefit Regulation, 193 .

Extent and operation.

2. (1) It extends to the whole of Mysore.

(2) It shall come into operation on the first day of

Definitions.

3. In this Regulation, unless there is anything repugnant in the subject or context—

(*a*) "Employer" includes an occupier of a factory as defined in the Mysore Factories Regulation, 1936, and the manager of a factory.

(*b*) The expressions "factory," "Inspector of Factories" and "Worker" shall have the same meanings as are respectively assigned to them under the Mysore Factories Regulation, 1936.

(*c*) "Maternity benefit" means the amount of money payable under the provisions of this Regulation to a woman worker in a factory.

"Wages" includes the money value of any earned grain concession, and any money paid to cover high cost of living but does not include a bonus given for regular attendance or any deduction or payment made on account of fines."

Employment of or work by women in factories prohibited during certain period.

4. After this Regulation comes into operation,

(1) no employer shall knowingly employ a woman in any factory during the four weeks immediately following the day of her delivery; and

(2) no woman shall work in any factory during the four weeks immediately following the day of her delivery.

Right to payment of maternity benefit.

5. (1) Subject to the provisions of this Regulation every woman employed in a factory shall be entitled to the payment of maternity benefit at the rate of her average daily wage calculated to the nearest quarter of an anna on the total wages earned during a period of three months immediately preceding the date on which she gives notice under sub-section (1) of section 6 or at the rate of eight annas a day, whichever is less, for the actual days of her absence for the period immediately preceding her confinement and for the four weeks immediately following her confinement as mentioned in sub-section (2);

Provided that a woman shall not be entitled to maternity benefit unless she has been employed in the factory of the employer from whom she claims maternity benefit for a period of not less than nine months immediately preceding the date on which she gives notice under sub-section (1) of section 6.

(2) The maximum period for which any woman shall be entitled to the payment of maternity benefit shall be eight weeks, that is to say, four weeks up to and including the day of her delivery and four weeks immediately following that day. If a woman dies during this period the maternity benefit shall be payable only for the days up to and including the day of her death.

6. (1) Any woman employed in a factory and entitled to maternity benefit under the provisions of this Regulation who is pregnant may, on any day, give notice in writing to her employer stating that she expects to be confined within one month next following, that her maternity benefit may be paid to her, and that she will not work in any employment during the period for which she receives maternity benefit. Procedure regarding payment of maternity benefit.

(2) The employer shall thereupon permit such woman to absent herself from the factory from the following day until four weeks after the day of her delivery.

(3). Maternity benefit shall be paid by the employer to the woman entitled thereto after taking her wishes into consideration in any one of the following three ways, namely:—

(i) for four weeks—within forty-eight hours of the production of a certificate signed by a registered medical practitioner certifying that the woman is expected to be confined within one month next following, and for the remainder of the total period for which she is entitled to maternity benefit under sub-section (2) of section 5—within forty-eight hours of the production of a certified extract from a birth register stating that the woman has given birth to a child; or

(ii) for the period up to and including the day of delivery within forty-eight hours of the production of a certified extract from a birth register stating that the woman has given birth to a child, and for the remainder of the total period for which she is entitled to maternity benefit under sub-section (2) of section 5 punctually four weeks after the production of such certified extract from a birth register; or

(iii) for the entire period for which the woman is entitled to maternity benefit under sub-section (2) of section 5—within forty-eight hours of the production, within six weeks of her delivery, of a certified extract from a birth register stating that she has given birth to a child;

Provided that no woman shall be entitled to any maternity benefit or any part thereof, the payment of which is dependent upon the production of a certified extract from a birth register under the provisions of this sub-section unless such extract has been produced within six months of the day of her delivery.

Payment of maternity benefit in case of a woman's death.

7. If a woman entitled to maternity benefit under this Regulation dies during the period for which she is entitled to maternity benefit the employer shall pay the amount of maternity benefit due, if the newly-born child survives her, to the person who undertakes the care of the child; and if the child does not survive her to her legal representative.

No notice of dismissal to be given to a woman during period of maternity benefit.

8. When a woman absents herself from work in accordance with the provisions of this Regulation it shall not be lawful for her employer to give her notice of dismissal during such absence or on such a day that the notice will expire during such absence.

Forfeiture of maternity benefit.

9. If a woman works in any factory after she has been permitted by her employer to absent herself under the provisions of section 6 she shall forfeit her claim to the payment of the maternity benefit to which she is entitled.

Penalty for contravention of the Regulation by an employer.

10. If any employer contravenes the provisions of this Regulation he shall, on conviction, be liable to a fine which may extend to five hundred rupees.

Penalty for contravention of the Regulation by a woman.

11. If any woman works in any factory within four weeks of the date of her delivery she shall be liable, on conviction, to a fine not exceeding ten rupees.

Cognisance of offences.

12. (1) No prosecution under this Regulation shall be instituted except by or with the previous sanction of the Inspector of Factories.

(2) No court inferior to that of a Magistrate of the First Class shall try any offence against this Regulation or any rules thereunder.

Limitation o prosecution.

13. No court shall take cognisance of any offence against this Regulation or any rule thereunder unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

Rules.

14. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Regulation;

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for;

(*a*) the preparation and maintenance of a muster roll or register or a combined muster roll and register and the particulars to be entered in such muster roll, register or combined muster roll and register or

in the register kept or deemed to have been kept under section 41 of the Mysore Factories Regulation, 1936;—

(*b*) the inspection of factories for the purposes of this Regulation by Inspectors of Factories;

(*c*) the exercise of powers and the performance of duties by Inspectors of Factories for the purposes of this Regulation;

(*d*) the method of payment of maternity benefit in so far as provision has not been made in this Regulation;

(*e*) any other matter for which no provision has been made in this Regulation and for which provision is, in the opinion of the Government, necessary.

(3) Any such rule may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(4) The making of rules under this section shall be subject to the condition of previous publication.

Copies of this Act and rules thereunder to be exhibited.

15. An abstract of the provisions of this Regulation and the rules thereunder in the vernacular of the workers shall be exhibited in a conspicuous manner by the employer in every part of a factory in which women are employed.

Statement of Objects and Reasons.

It is desirable to provide for some form of maternity benefit to women workers in factories in the interest of their health and well-being. There is no such statutory provision now though there are certain rules for the grant of maternity benefit to the women employed in the industrial concerns under the control of the Department of Industries and Commerce.

It is proposed in the accompanying Bill to provide for the payment of maternity benefit to women workers for a maximum period of eight weeks, four before confinement and four thereafter. Provision is also made for prohibiting employment of women in factories during that period and for preventing them from working in any factory during the said period. The bill is based on the Bombay Act VII of 1929 as amended by Act V of 1934.

Printed by the Superintendent at the Government Press, Bangalore.

10 copies

Appendix F G—1]

SUBJECT..... 164

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Section

File No.

Serial No.

Diary No. of letter replied to.....

No. P 1862-9 C. 2n

To

1) A. V. Ramanadham Esq. B.A

2) ~~S. Sankara Rao~~
Vidyaratnakara Pravina
S. Sankara Rao B.A., 2n. B.C.M
L.R.C.P., 2n. M.R.C.S.
D.P.H.

3) S. Abdul Wajid Esq B.A

4) 2n. Venkatakamaraju Esq B.A

5) K. T. Bhashyam Iyengar
Esq B.A. & B.L

6) T. Ramachandrama Esq.

7) Murugesam Pillai Esq.

8) A. L. Selvan Esq.

General and Revenue Secretariat

( )

the *193*

Date of issue..... 15.9.36

Signed by ..... Mr. C. S. J.

A meeting of the Select Committee appointed to consider the Maternity Benefit Bill will be held in the chambers of the Secretary to Government, Public Offices Buildings, Bangalore at 1 P.M.

List of enclosures.....

Copied by 15/9/36

Examined by.....

WD 03601—GPB—30,000—23-9-35

on Saturday the 26th

September 1936.

B. D

Copy to Cabinet

Copy to P. A to 2nd member

" Opposition Rm

" L-C office

Sec.

Report of the Select Committee on the Maternity Benefit Bill.

We the members of the Select Committee to which the Maternity Benefit Bill has been referred have considered the several clauses of the Bill and have now the honour to submit this our Report:--

Clause 8. We recommend that the present clause may be made as sub-clause (i) and that the following clauses ~~added as in the Madras Act.~~ corresponding to sub-section 8 of the Madras Maternity Benefit Act be added as sub-clauses (ii) (a), (b) and (c) of the Bill.

8 (ii) (a) "No notice of dismissal given without sufficient cause by an employer to a woman worker within a period of three months before her confinement shall have the effect of depriving her of any maternity benefit to which but for such notice she would have been, or would on or before the date of her confinement have become, entitled under this Regulation.

(b) If any question arises as to whether any notice of dismissal given under clause (a) was or was not given for sufficient cause, it shall be referred to the Inspector of Factories whose decision shall be final.

(c) The provisions of this sub-section shall not apply to notices falling under sub-section (i)

The Bill need not be published again as no material changes have been made in it.

K. T. Bhashyam

Dr. Muthulakshmi

Muniswami Naidu

S. Subba Rao

Ahmed Sayid

P. Murugesam

Sitha and D. Ramachandra Murthy

NOTIFICATION.

Notification No. Rl. 217—L. C. 3-36-3, Bangalore, dated 1st October 1936.

Under Standing Order No. 49 of the Standing Orders for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Maternity Benefit Bill is published for general information.

By Order,
A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Report of the Select Committee on the Maternity Benefit Bill.

*We, the members of the Select Committee to which the Maternity Benefit Bill has been referred, have considered the several clauses of the Bill and have now the honor to submit this our Report :—

Clause 8.—We recommend that the present clause may be made as sub-clause (i) and that the following clauses corresponding to sub-section (ii) of Section 8 of the Madras Maternity Benefit Act be added—

8 (ii) (*a*) "No notice of dismissal given without sufficient cause by an employer to a woman worker within a period of three months before her confinement shall have the effect of depriving her of any maternity benefit to which but for such notice she would have been, or would on or before the date of her confinement have become, entitled under this Regulation.

(*b*) If any question arises as to whether any notice of dismissal given under clause (*a*) was or was not given for sufficient cause, it shall be referred to the Inspector of Factories whose decision shall be final.

(*c*) The provisions of this sub-section shall not apply to notices falling under sub-section (i)."

The Bill need not be published again as no material changes have been made in it.

(Sd.) N. Madhava Rau (*Chairman*),
,, A. V. Ramanathan,
,, M. Venkatanaranappa,
,, S. Subba Rao,
,, S. Abdul Wajid,
,, P. Murugesam Pillay,
,, K. T. Bhashyam Iyengar.

* Messrs. F. L. Silva and T. Ramachandra were unable to be present.

Printed by the Superintendent at the Government Press, Bangalore.

66

The MATERNITY BENEFIT BILL

Leave to present the report of the select committee on the Bill and to move that it be taken into consideration.

The Committee has made no material alterations in the Bill except adding two sub-clauses to clause 8. These new clauses are intended to provide safeguards against unjust dismissals by employers a few months prior to the confinement of the women labourers to avoid giving maternity benefit which she would be entitled to get under this Bill.

The Inspector of Factories has been made the final authority to decide whether a notice given is for a sufficient cause or not.

These clauses are based on similar provisions found in the Madras Maternity Benefit Act.

23-1

Mr. Rangaiah

Bombay and Upper Sind

Sir 15 Bombay

This will be done.

25-1

finally passed.

BILL AS ~~AMENDED BY THE SELECT COMMITTEE.~~

~~[Additions are indicated in italics.]~~

Bill to regulate the Employment of Women in Factories sometime before and sometime after Confinement and to provide for the Payment of Maternity Benefit to them.

Whereas it is expedient to regulate the employment of women in factories sometime before and sometime after confinement and to provide for the payment of maternity benefit to them in the manner hereinafter provided: It is hereby enacted as follows:—

Short title.

1. This Regulation may be called the Mysore Maternity Benefit Regulation, 1937.

Extent and operation.

2. (1) It extends to the whole of Mysore.

(2) It shall come into operation on the first day of ~~April~~ 1937.

Definitions.

3. In this Regulation, unless there is anything repugnant in the subject or context—

(*a*) "Employer" includes an occupier of a factory as defined in the Mysore Factories Regulation, 1936, and the manager of a factory.

(*b*) The expressions "factory," "Inspector of Factories" and "Worker" shall have the same meanings as are respectively assigned to them under the Mysore Factories Regulation, 1936.

(*c*) "Maternity benefit" means the amount of money payable under the provisions of this Regulation to a woman worker in a factory.

(*d*) "Wages" includes the money value of any earned grain concession, and any money paid to cover high cost of living but does not include a bonus given for regular attendance or any deduction or payment made on account of fines."

Employment of or work by women in factories prohibited during certain period.

4 After this Regulation comes into operation,

(1) no employer shall knowingly employ a woman in any factory during the four weeks immediately following the day of her delivery; and

(2) no woman shall work in any factory during the four weeks immediately following the day of her delivery.

Right to payment of maternity benefit.

5. (1) Subject to the provisions of this Regulation every woman employed in a factory shall be entitled to the payment of maternity benefit at the rate of her average daily wage calculated to the nearest quarter of an anna on the total wages earned during a period of three months immediately preceding the date on which she gives notice under sub-section (1) of section 6 or at the rate of eight annas a day, whichever is less, for the actual days of her absence for the period immediately preceding her confinement and for the four weeks immediately following her confinement as mentioned in sub-section (2);

Provided that a woman shall not be entitled to maternity benefit unless she has been employed in the factory of the employer from whom she claims maternity benefit for a period of not less than nine months immediately preceding the date on which she gives notice under sub-section (1) of section 6.

(2) The maximum period for which any woman shall be entitled to the payment of maternity benefit shall be eight weeks, that is to say, four weeks up to and including the day of her delivery and four weeks immediately following that day. If a woman dies during this period the maternity benefit shall be payable only for the days up to and including the day of her death.

Procedure regarding payment of maternity benefit.

6. (1) Any woman employed in a factory and entitled to maternity benefit under the provisions of this Regulation who is pregnant may, on any day, give notice in writing to her employer stating that she expects to be confined within one month next following, that her maternity benefit may be paid to her, and that she will not work in any employment during the period for which she receives maternity benefit.

(2) The employer shall thereupon permit such woman to absent herself from the factory from the following day until four weeks after the day of her delivery.

(3) Maternity benefit shall be paid by the employer to the woman entitled thereto after taking her wishes into

consideration in any one of the following three ways, namely :—

(i) for four weeks—within forty-eight hours of the production of a certificate signed by a registered medical practitioner certifying that the woman is expected to be confined within one month next following, and for the remainder of the total period for which she is entitled to maternity benefit under sub-section (2) of section 5—within forty-eight hours of the production of a certified extract from a birth register stating that the woman has given birth to a child; or

(ii) for the period up to and including the day of delivery within forty-eight hours of the production of a certified extract from a birth register stating that the woman has given birth to a child, and for the remainder of the total period for which she is entitled to maternity benefit under sub-section (2) of section 5 punctually four weeks after the production of such certified extract from a birth register; or

(iii) for the entire period for which the woman is entitled to maternity benefit under sub-section (2) of section 5—within forty-eight hours of the production, within six weeks of her delivery, of a certified extract from a birth register stating that she has given birth to a child;

Provided that no woman shall be entitled to any maternity benefit or any part thereof, the payment of which is dependent upon the production of a certified extract from a birth register under the provisions of this sub-section unless such extract has been produced within six months of the day of her delivery.

Payment of maternity benefit in case of a woman's death.

7. If a woman entitled to maternity benefit under this Regulation dies during the period for which she is entitled to maternity benefit the employer shall pay the amount of maternity benefit due, if the newly-born child survives her, to the person who undertakes the care of the child; and if the child does not survive her to her legal representative.

No notice of dismissal to be given to a woman during period of maternity benefit.

8. (*i*) When a woman absents herself from work in accordance with the provisions of this Regulation it shall not be lawful for her employer to give her notice of dismissal during such absence or on such a day that the notice will expire during such absence.

(ii) (a) No notice of dismissal given without sufficient cause by an employer to a woman worker within a period of three months before her confinement shall have the effect of depriving her of any maternity benefit to which but for such notice she would have been, or would on or before the date of her confinement have become, entitled under this Regulation.

(b) If any question arises as to whether any notice of dismissal given under clause (a) was or was not given for sufficient cause, it shall be referred to the Inspector of Factories whose decision shall be final.

(c) The provisions of this sub-section shall not apply to notices falling under sub-section (i).

Forfeiture of maternity benefit.

9. If a woman works in any factory after she has been permitted by her employer to absent herself under the provisions of section 6 she shall forfeit her claim to the payment of the maternity benefit to which she is entitled.

Penalty for contravention of the Regulation by an employer.

10. If any employer contravenes the provisions of this Regulation he shall, on conviction, be liable to a fine which may extend to five hundred rupees.

Penalty for contravention of the Regulation by a woman.

11. If any woman works in any factory within four weeks of the date of her delivery she shall be liable, on conviction, to a fine not exceeding ten rupees.

Cognisance of offences.

12. (1) No prosecution under this Regulation shall be instituted except by or with the previous sanction of the Inspector of Factories.

(2) No court inferior to that of a Magistrate of the First Class shall try any offence against this Regulation or any rules thereunder.

Limitation of prosecution.

13. No court shall take cognisance of any offence against this Regulation or any rule thereunder unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

Rules.

14. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Regulation;

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for;

(a) the preparation and maintenance of a muster roll or register or a combined muster roll and register and the particulars to be entered in such muster roll, register or

combined muster roll and register or in the register kept or deemed to have been kept under section 41 of the Mysore Factories Regulation, 1936;

(*b*) the inspection of factories for the purposes of this Regulation by Inspectors of Factories;

(*c*) the exercise of powers and the performance of duties by Inspectors of Factories for the purposes of this Regulation;

(*d*) the method of payment of maternity benefit in so far as provision has not been made in this Regulation;

(*e*) any other matter for which no provision has been made in this Regulation and for which provision is, in the opinion of the Government, necessary.

(3) Any such rule may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(4) The making of rules under this section shall be subject to the condition of previous publication.

Copies of Act and rules thereunder to be exhibited.

15. An abstract of the provisions of this Regulation and the rules thereunder in the vernacular of the workers shall be exhibited in a conspicuous manner by the employer in every part of a factory in which women are employed.

A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

BANGALORE,
15th October 1936.

WD 629—GPB—250—10-11-36.

G. R. S. VI.—s-III/14]

abso. 94

DRAFT. 1/2.

SUBJECT.....

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Section. Lgs
File No. 34-36
Serial No. 1

Proceedings of the Government of H. H. the Maharaja of Mysore.

Diary No. of letter replied to.....

Order No. P 4962/Enc 1.

GENERAL AND REVENUE SECRETARIAT,

( )

, *the*.....*191*

Ordered that the accompanying Rules to regulate the employment of women in factories sometimes before and sometimes after confinement and to provide for the payment of maternity benefit thereto which received the assent of His Highness the Maharaja, on the fourth day of February 1937, be published as Regulation No. III of 1937, in the *Mysore Gazette* for general information.

Date of issue 11.2.37

Signed by Dr. A.S.R

for Sd. Secretary to Government.

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

To

The Compiler, *Mysore Gazette*, for publication in Part ~~III~~ IV of the Gazette, in English and Kannada and for supply of .....spare copies in English, and .....spare copies in Kannada, ~~to this office, and.....spare copies in English and.....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore~~. Proofs should be sent to this office for approval before publication.

as per standing orders

Copy to Translation Section

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REGULATION No. III OF 1937.

(Received the assent of His Highness the Maharaja on the fourth day of February 1937.)

Regulation to regulate the Employment of Women in Factories sometime before and sometime after Confinement and to provide for the Payment of Maternity Benefit to them.

Price: 0-0-9

NOTIFICATION.

Order No. P. 4962—Legis. 34-36-1, dated, Bangalore, 11th February 1937.

Ordered that the accompanying Regulation to regulate the employment of women in factories sometime before and sometime after confinement and to provide for the payment of maternity benefit to them, which received the assent of His Highness the Maharaja, on the fourth day of February 1937, be published as Regulation No. III of 1937 in the *Mysore Gazette* for general information.

By Order,

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

REGULATION No. III OF 1937.

(Received the assent of His Highness the Maharaja on the Fourth day of February 1937.)

Regulation to regulate the Employment of Women in Factories sometime before and sometime after Confinement and to provide for the Payment of Maternity Benefit to them.

Whereas it is expedient to regulate the employment of women in factories sometime before and sometime after confinement and to provide for the payment of maternity benefit to them in the manner hereinafter provided: It is hereby enacted as follows:—

Short title.

1. This Regulation may be called the Mysore Maternity Benefit Regulation, 1937.

Extent and operation.

2. (1) It extends to the whole of Mysore.

(2) It shall come into operation on the first day of April 1937.

Definitions.

3. In this Regulation, unless there is anything repugnant in the subject or context—

(*a*) "Employer" includes an occupier of a factory as defined in the Mysore Factories Regulation, 1936, and the manager of a factory.

(*b*) The expressions "factory," "Inspector of Factories" and "Worker" shall have the same meanings as are respectively assigned to them under the Mysore Factories Regulation, 1936.

(*c*) "Maternity benefit" means the amount of money payable under the provisions of this Regulation to a woman worker in a factory.

(*d*) "Wages" includes the money value of any earned grain concession, and any money paid to cover high cost of living but does not include a bonus given for regular attendance, or any deduction or payment made on account of fines."

Employment of or work by women in factories prohibited during certain period.

4. After this Regulation comes into operation,

(1) no employer shall knowingly employ a woman in any factory during the four weeks immediately following the day of her delivery; and

(2) no woman shall work in any factory during the four weeks immediately following the day of her delivery.

Right to payment of maternity benefit.

5. (1) Subject to the provisions of this Regulation every woman employed in a factory shall be entitled to the payment of maternity benefit at the rate of her average daily wage calculated to the nearest quarter of an anna on the total wages earned during a period of three months immediately preceding the date on which she gives notice under sub-section (1) of section 6 or at the rate of eight annas a day, whichever is less, for the actual days of her absence for the period immediately preceding her confinement and for the four weeks immediately following her confinement as mentioned in sub-section (2):

Provided that a woman shall not be entitled to maternity benefit unless she has been employed in the factory of the employer from whom she claims maternity benefit for a period of not less than nine months immediately preceding the date on which she gives notice under sub-section (1) of section 6.

(2) The maximum period for which any woman shall be entitled to the payment of maternity benefit shall

be eight weeks, that is to say, four weeks up to and including the day of her delivery and four weeks immediately following that day. If a woman dies during this period the maternity benefit shall be payable only for the days up to and including the day of her death.

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(*b*) If any question arises as to whether any notice of dismissal given under clause (*a*) was or was not given for sufficient cause, it shall be referred to the Inspector of Factories whose decision shall be final.

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(*a*) the preparation and maintenance of a muster roll or register or a combined muster roll and register and the particulars to be entered in such muster roll, register or combined muster roll and register or in the register kept or deemed to have been kept under section 41 of the Mysore Factories Regulation, 1936;

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MIRZA M. ISMAIL,
Dewan.

Printed by the Superintendent at the Government Press, Bangalore.